

107TH CONGRESS
1ST SESSION

S. 425

To establish the Rocky Flats National Wildlife Refuge in the State of Colorado, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2001

Mr. ALLARD (for himself and Mr. CAMPBELL) introduced the following bill;
which was read twice and referred to the Committee on Armed Services

A BILL

To establish the Rocky Flats National Wildlife Refuge in
the State of Colorado, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rocky Flats National
5 Wildlife Refuge Act of 2001”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The Federal Government, through the
9 Atomic Energy Commission, acquired the Rocky
10 Flats site in 1951 and began operations there in

1 1952. The site remains a Department of Energy fa-
2 cility. Since 1992, the mission of the Rocky Flats
3 site has changed from the production of nuclear
4 weapons components to cleanup and closure in a
5 manner that is safe, environmentally and socially re-
6 sponsible, physically secure, and cost-effective.

7 (2) The site has generally remained undisturbed
8 since its acquisition by the Federal Government.

9 (3) The State of Colorado is experiencing in-
10 creasing growth and development, especially in the
11 metropolitan Denver Front Range area in the vicin-
12 ity of the Rocky Flats site. That growth and devel-
13 opment reduces the amount of open space and there-
14 by diminishes for many metropolitan Denver com-
15 munities the vistas of the striking Front Range
16 mountain backdrop.

17 (4) Some areas of the site contain contamina-
18 tion and will require further remediation. The na-
19 tional interest requires that the ongoing cleanup and
20 closure of the entire site be completed safely, effec-
21 tively, and without unnecessary delay and that the
22 site thereafter be retained by the United States and
23 managed so as to preserve the value of the site for
24 open space and wildlife habitat.

1 (5) The Rocky Flats site provides habitat for
2 many wildlife species, including a number of threat-
3 ened and endangered species, and is marked by the
4 presence of rare xeric tallgrass prairie plant commu-
5 nities. Establishing the site as a unit of the National
6 Wildlife Refuge System will promote the preserva-
7 tion and enhancement of those resources for present
8 and future generations.

9 (b) PURPOSE.—The purpose of this Act is to provide
10 for the establishment of the Rocky Flats site as a national
11 wildlife refuge while creating a process for public input
12 on refuge management and ensuring that the site is thor-
13 oughly and completely cleaned up.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) CLEANUP AND CLOSURE.—The term
17 “cleanup and closure” means the remedial actions
18 and decommissioning activities being carried out at
19 Rocky Flats by the Department of Energy under the
20 1996 Rocky Flats Cleanup Agreement, the closure
21 plans and baselines, and any other relevant docu-
22 ments or requirements.

23 (2) COALITION.—The term “Coalition” means
24 the Rocky Flats Coalition of Local Governments es-

1 tablished by the Intergovernmental Agreement,
2 dated February 16, 1999, among—

3 (A) the city of Arvada, Colorado;

4 (B) the city of Boulder, Colorado;

5 (C) the city of Broomfield, Colorado;

6 (D) the city of Westminster, Colorado;

7 (E) the town of Superior, Colorado;

8 (F) Boulder County, Colorado; and

9 (G) Jefferson County, Colorado.

10 (3) HAZARDOUS SUBSTANCE.—The term “haz-
11 ardous substance” has the meaning given the term
12 in section 101 of the Comprehensive Environmental
13 Response, Compensation, and Liability Act of 1980
14 (42 U.S.C. 9601).

15 (4) POLLUTANT OR CONTAMINANT.—The term
16 “pollutant or contaminant” has the meaning given
17 the term in section 101 of the Comprehensive Envi-
18 ronmental Response, Compensation, and Liability
19 Act of 1980 (42 U.S.C. 9601).

20 (5) REFUGE.—The term “refuge” means the
21 Rocky Flats National Wildlife Refuge established
22 under section 7.

23 (6) RESPONSE ACTION.—The term “response
24 action” has the meaning given the term “response”
25 in section 101 of the Comprehensive Environmental

1 Response, Compensation, and Liability Act of 1980
2 (42 U.S.C. 9601) or any similar requirement under
3 State law.

4 (7) RFCA.—The term “RFCA” means the
5 Rocky Flats Cleanup Agreement, an intergovern-
6 mental agreement, dated July 19, 1996, among—

7 (A) the Department of Energy;

8 (B) the Environmental Protection Agency;

9 and

10 (C) the Department of Public Health and
11 Environment of the State of Colorado.

12 (8) ROCKY FLATS.—The term “Rocky Flats”
13 means the Rocky Flats Environmental Technology
14 Site, Colorado, a defense nuclear facility, as depicted
15 on the map entitled “Rocky Flats Environmental
16 Technology Site”, dated July 15, 1998.

17 (9) ROCKY FLATS TRUSTEES.—The term
18 “Rocky Flats Trustees” means the Federal and
19 State of Colorado entities that have been identified
20 as trustees for Rocky Flats under section 107(f)(2)
21 of the Comprehensive Environmental Response,
22 Compensation, and Liability Act of 1980 (42 U.S.C.
23 9607(f)(2)).

24 (10) SECRETARY.—The term “Secretary”
25 means the Secretary of Energy.

1 **SEC. 4. FUTURE OWNERSHIP AND MANAGEMENT.**

2 (a) **FEDERAL OWNERSHIP.**—Unless Congress pro-
3 vides otherwise in an Act enacted after the date of enact-
4 ment of this Act, all right, title, and interest of the United
5 States, held on or acquired after the date of enactment
6 of this Act, to land within the boundaries of Rocky Flats
7 shall be retained by the United States.

8 (b) **LINDSAY RANCH.**—The structures that comprise
9 the former Lindsay Ranch homestead site in the Rock
10 Creek Reserve area of the buffer zone, as depicted on the
11 map referred to in section 3(8), shall be permanently pre-
12 served and maintained in accordance with the National
13 Historic Preservation Act (16 U.S.C. 470 et seq.).

14 (c) **PROHIBITION ON ANNEXATION.**—The Secretary
15 of the Interior shall not allow the annexation of land with-
16 in the refuge by any unit of local government.

17 (d) **PROHIBITION ON THROUGH ROADS.**—Except as
18 provided in subsection (e), no public road shall be con-
19 structed through Rocky Flats.

20 (e) **TRANSPORTATION RIGHT-OF-WAY.**—

21 (1) **IN GENERAL.**—

22 (A) **AVAILABILITY OF LAND.**—On submis-
23 sion of an application meeting each of the con-
24 ditions specified in paragraph (2), the Secretary
25 and the Secretary of the Interior shall make
26 available land along the eastern boundary of

1 Rocky Flats for the sole purpose of transpor-
2 tation improvements along Indiana Street.

3 (B) BOUNDARIES.—Land made available
4 under this paragraph may not extend more
5 than 300 feet from the west edge of the Indiana
6 Street right-of-way, as that right-of-way exists
7 as of the date of enactment of this Act.

8 (C) EASEMENT OR SALE.—Land may be
9 made available under this paragraph by ease-
10 ment or sale to 1 or more appropriate entities.

11 (D) COMPLIANCE WITH APPLICABLE
12 LAW.—Any action under this paragraph shall
13 be taken in compliance with applicable law.

14 (2) CONDITIONS.—An application for land
15 under this subsection may be submitted by any
16 county, city, or other political subdivision of the
17 State of Colorado and shall include documentation
18 demonstrating that—

19 (A) the transportation project is con-
20 structed so as to minimize adverse effects on
21 the management of Rocky Flats as a wildlife
22 refuge; and

23 (B) the transportation project is included
24 in the Regional Transportation Plan of the
25 Metropolitan Planning Organization designated

1 for the Denver metropolitan area under section
2 5303 of title 49, United States Code.

3 **SEC. 5. TRANSFER OF MANAGEMENT RESPONSIBILITIES**
4 **AND JURISDICTION OVER ROCKY FLATS.**

5 (a) IN GENERAL.—

6 (1) MEMORANDUM OF UNDERSTANDING.—

7 (A) IN GENERAL.—Not later than 1 year
8 after the date of enactment of this Act, the Sec-
9 retary and the Secretary of the Interior shall
10 publish in the Federal Register a draft memo-
11 randum of understanding under which the Sec-
12 retary shall transfer to the Secretary of the In-
13 terior administrative jurisdiction over Rocky
14 Flats.

15 (B) REQUIRED ELEMENTS.—

16 (i) IN GENERAL.—Subject to clause
17 (ii), the memorandum of understanding
18 shall—

19 (I) provide for the timing of the
20 transfer;

21 (II) provide for the division of re-
22 sponsibilities between the Secretary
23 and the Secretary of the Interior for
24 the period ending on the date of the
25 transfer; and

1 (III) provide an appropriate allo-
2 cation of costs and personnel to the
3 Secretary of the Interior.

4 (ii) NO REDUCTION IN FUNDS.—The
5 memorandum of understanding shall not
6 result in any reduction in funds available
7 to the Secretary for cleanup and closure of
8 Rocky Flats.

9 (C) DEADLINE.—Not later than 18
10 months after the date of enactment of this Act,
11 the Secretary and Secretary of the Interior
12 shall finalize and implement the memorandum
13 of understanding.

14 (2) EXCLUSIONS.—The transfer under para-
15 graph (1) shall not include the transfer of any prop-
16 erty or facility over which the Secretary retains ju-
17 risdiction, authority, and control under subsection
18 (b)(1).

19 (3) CONDITION.—The transfer under paragraph
20 (1) shall occur—

21 (A) not earlier than the date on which the
22 Regional Administrator for Region VIII of the
23 Environmental Protection Agency signs the
24 Final On-site Record of Decision for Rocky
25 Flats; but

1 (B) not later than 10 business days after
2 that date.

3 (4) COST; IMPROVEMENTS.—The transfer—

4 (A) shall be completed without cost to the
5 Secretary of the Interior; and

6 (B) may include such buildings or other
7 improvements as the Secretary of the Interior
8 may request in writing for refuge management
9 purposes.

10 (b) PROPERTY AND FACILITIES EXCLUDED FROM
11 TRANSFERS.—

12 (1) IN GENERAL.—The Secretary shall retain
13 jurisdiction, authority, and control over all real prop-
14 erty and facilities at Rocky Flats that are to be used
15 for—

16 (A) any necessary and appropriate long-
17 term operation and maintenance facility to
18 intercept, treat, or control a radionuclide or any
19 other hazardous substance, pollutant, or con-
20 taminant; and

21 (B) any other purpose relating to a re-
22 sponse action or any other action that is re-
23 quired to be carried out at Rocky Flats.

24 (2) CONSULTATION.—

1 (A) IDENTIFICATION OF PROPERTY.—The
2 Secretary shall consult with the Secretary of
3 the Interior, the Administrator of the Environ-
4 mental Protection Agency, and the State of Col-
5 orado on the identification of all property to be
6 retained under this subsection to ensure the
7 continuing effectiveness of response actions.

8 (B) MANAGEMENT OF PROPERTY.—

9 (i) IN GENERAL.—The Secretary shall
10 consult with the Secretary of the Interior
11 on the management of the retained prop-
12 erty to minimize any conflict between the
13 management of property transferred to the
14 Secretary of the Interior and property re-
15 tained by the Secretary for response ac-
16 tions.

17 (ii) CONFLICT.—In the case of any
18 such conflict, implementation and mainte-
19 nance of the response action shall take pri-
20 ority.

21 (3) ACCESS.—As a condition of the transfer
22 under subsection (a), the Secretary shall be provided
23 such easements and access as are reasonably re-
24 quired to carry out any obligation or address any li-
25 ability.

1 (c) ADMINISTRATION.—

2 (1) IN GENERAL.—On completion of the trans-
3 fer under subsection (a), the Secretary of the Inte-
4 rior shall administer Rocky Flats in accordance with
5 this Act subject to—

6 (A) any response action or institutional
7 control at Rocky Flats carried out by or under
8 the authority of the Secretary under the Com-
9 prehensive Environmental Response, Compensa-
10 tion, and Liability Act of 1980 (42 U.S.C. 9601
11 et seq.); and

12 (B) any other action required under any
13 other Federal or State law to be carried out by
14 or under the authority of the Secretary.

15 (2) CONFLICT.—In the case of any conflict be-
16 tween the management of Rocky Flats by the Sec-
17 retary of the Interior and the conduct of any re-
18 sponse action or other action described in subpara-
19 graph (A) or (B) of paragraph (1), the response ac-
20 tion or other action shall take priority.

21 (3) CONTINUING ACTIONS.—Except as provided
22 in paragraph (1), nothing in this subsection affects
23 any response action or other action initiated at
24 Rocky Flats on or before the date of the transfer
25 under subsection (a).

1 (4) LIABILITY.—The Secretary shall retain any
2 obligation or other liability for land transferred
3 under subsection (a) under—

4 (A) the Comprehensive Environmental Re-
5 sponse, Compensation, and Liability Act of
6 1980 (42 U.S.C. 9601 et seq.); or

7 (B) any other applicable law.

8 **SEC. 6. CONTINUATION OF ENVIRONMENTAL CLEANUP**
9 **AND CLOSURE.**

10 (a) ONGOING CLEANUP AND CLOSURE.—

11 (1) IN GENERAL.—The Secretary shall carry
12 out to completion cleanup and closure at Rocky
13 Flats.

14 (2) NO RESTRICTION ON USE OF NEW TECH-
15 NOLOGIES.—Nothing in this Act, and no action
16 taken under this Act, restricts the Secretary from
17 using at Rocky Flats any new technology that may
18 become available for remediation of contamination.

19 (b) RULES OF CONSTRUCTION.—

20 (1) NO RELIEF FROM OBLIGATIONS UNDER
21 OTHER LAW.—

22 (A) IN GENERAL.—Nothing in this Act,
23 and no action taken under this Act, relieves the
24 Secretary, the Administrator of the Environ-
25 mental Protection Agency, or any other person

1 from any obligation or other liability with re-
2 spect to Rocky Flats under the RFCA or any
3 applicable Federal or State law.

4 (B) NO EFFECT ON RFCA.—Nothing in
5 this Act impairs or alters any provision of the
6 RFCA.

7 (2) REQUIRED CLEANUP LEVELS.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraph (B), nothing in this Act affects
10 the level of cleanup and closure at Rocky Flats
11 required under the RFCA or any Federal or
12 State law.

13 (B) NO EFFECT FROM ESTABLISHMENT AS
14 NATIONAL WILDLIFE REFUGE.—

15 (i) IN GENERAL.—The requirements
16 of this Act for establishment and manage-
17 ment of Rocky Flats as a national wildlife
18 refuge shall not affect the level of cleanup
19 and closure.

20 (ii) CLEANUP LEVELS.—The Sec-
21 retary is required to conduct cleanup and
22 closure of Rocky Flats to the levels here-
23 after established for soil, water, and other
24 media, following a thorough review, by the
25 parties to the RFCA and the public (in-

1 cluding the United States Fish and Wild-
2 life Service and other interested govern-
3 ment agencies), of the appropriateness of
4 the interim levels in the RFCA.

5 (3) NO EFFECT ON OBLIGATIONS FOR MEAS-
6 URES TO CONTROL CONTAMINATION.—Nothing in
7 this Act, and no action taken under this Act, affects
8 any long-term obligation of the United States relat-
9 ing to funding, construction, monitoring, or oper-
10 ation and maintenance of—

11 (A) any necessary intercept or treatment
12 facility; or

13 (B) any other measure to control contami-
14 nation.

15 (c) PAYMENT OF RESPONSE ACTION COSTS.—Noth-
16 ing in this Act affects the obligation of a Federal depart-
17 ment or agency that had or has operations at Rocky Flats
18 resulting in the release or threatened release of a haz-
19 ardous substance or pollutant or contaminant to pay the
20 costs of response actions carried out to abate the release
21 of, or clean up, the hazardous substance or pollutant or
22 contaminant.

23 (d) CONSULTATION.—In carrying out a response ac-
24 tion at Rocky Flats, the Secretary shall consult with the

1 Secretary of the Interior to ensure that the response ac-
 2 tion is carried out in a manner that—

3 (1) does not impair the attainment of the goals
 4 of the response action; but

5 (2) minimizes, to the maximum extent prac-
 6 ticable, adverse effects of the response action on the
 7 refuge.

8 **SEC. 7. ROCKY FLATS NATIONAL WILDLIFE REFUGE.**

9 (a) ESTABLISHMENT.—Not later than 30 days after
 10 the transfer of jurisdiction under section 5(a)(3), the Sec-
 11 retary of the Interior shall establish at Rocky Flats a na-
 12 tional wildlife refuge to be known as the “Rocky Flats Na-
 13 tional Wildlife Refuge”.

14 (b) COMPOSITION.—The refuge shall consist of the
 15 real property subject to the transfer of jurisdiction under
 16 section 5(a)(1).

17 (c) NOTICE.—The Secretary of the Interior shall pub-
 18 lish in the Federal Register a notice of the establishment
 19 of the refuge.

20 (d) ADMINISTRATION AND PURPOSES.—

21 (1) IN GENERAL.—The Secretary of the Inte-
 22 rior shall manage the refuge in accordance with ap-
 23 plicable law, including this Act, the National Wildlife
 24 Refuge System Administration Act of 1966 (16

1 U.S.C. 668dd et seq.), and the purposes specified in
2 that Act.

3 (2) SPECIFIC MANAGEMENT PURPOSES.—To
4 the extent consistent with applicable law, the refuge
5 shall be managed for the purposes of—

6 (A) restoring and preserving native eco-
7 systems;

8 (B) providing habitat for, and population
9 management of, native plants and migratory
10 and resident wildlife;

11 (C) conserving threatened and endangered
12 species (including species that are candidates
13 for listing under the Endangered Species Act of
14 1973 (16 U.S.C. 1531 et seq.));

15 (D) providing opportunities for compatible,
16 wildlife-dependent environmental scientific re-
17 search; and

18 (E) providing the public with opportunities
19 for compatible outdoor recreational and edu-
20 cational activities.

21 **SEC. 8. PUBLIC INVOLVEMENT.**

22 (a) ESTABLISHMENT OF PROCESS.—Not later than
23 90 days after the date of enactment of this Act, in devel-
24 oping plans for the management of fish and wildlife and
25 public use of the refuge, the Secretary of the Interior, in

1 consultation with the Secretary, the members of the Coali-
2 tion, the Governor of the State of Colorado, and the Rocky
3 Flats Trustees, shall establish a process for involvement
4 of the public and local communities in accomplishing the
5 purposes and objectives of this section.

6 (b) OTHER PARTICIPANTS.—In addition to the enti-
7 ties specified in subsection (a), the public involvement
8 process shall include the opportunity for direct involve-
9 ment of entities not members of the Coalition as of the
10 date of enactment of this Act, including the Rocky Flats
11 Citizens' Advisory Board and the cities of Thornton,
12 Northglenn, Golden, Louisville, and Lafayette, Colorado.

13 (c) DISSOLUTION OF COALITION.—If the Coalition
14 dissolves, or if any Coalition member elects to leave the
15 Coalition during the public involvement process under this
16 section—

17 (1) the public involvement process under this
18 section shall continue; and

19 (2) an opportunity shall be provided to each en-
20 tity that is a member of the Coalition as of Sep-
21 tember 1, 2000, for direct involvement in the public
22 involvement process.

23 (d) PURPOSES.—The public involvement process
24 under this section shall provide input and make rec-

1 ommendations to the Secretary and the Secretary of the
2 Interior on the following:

3 (1) The long-term management of the refuge
4 consistent with the purposes of the refuge described
5 in section 7(d) and in the National Wildlife Refuge
6 System Administration Act of 1966 (16 U.S.C.
7 668dd et seq.).

8 (2) The identification of any land described in
9 section 4(e) that could be made available for trans-
10 portation purposes.

11 (3) The potential for leasing any land in Rocky
12 Flats for the National Renewable Energy Labora-
13 tory to carry out projects relating to the National
14 Wind Technology Center.

15 (4) The characteristics and configuration of any
16 perimeter fencing that may be appropriate or com-
17 patible for cleanup and closure, refuge, or other pur-
18 poses.

19 (5) The feasibility of locating, and the potential
20 location for, a visitor and education center at the
21 refuge.

22 (6) The establishment of a Rocky Flats mu-
23 seum described in section 10.

24 (7) Any other issues relating to Rocky Flats.

1 (e) REPORT.—Not later than 3 years after the date
 2 of enactment of this Act, the Secretary of the Interior
 3 shall submit to the Committee on Armed Services of the
 4 Senate and the appropriate committee of the House of
 5 Representatives a report that—

6 (1) outlines the conclusions reached through the
 7 public involvement process; and

8 (2) to the extent that any input or rec-
 9 ommendation from the public involvement process is
 10 not accepted, clearly states the reasons why the
 11 input or recommendation is not accepted.

12 **SEC. 9. PROPERTY RIGHTS.**

13 (a) IN GENERAL.—Except as provided in subsection
 14 (c), nothing in this Act limits any valid, existing property
 15 right at Rocky Flats that is owned by any person or entity,
 16 including, but not limited to—

17 (1) any mineral right;

18 (2) any water right or related easement; and

19 (3) any facility or right-of-way for a utility.

20 (b) ACCESS.—Except as provided in subsection (c),
 21 nothing in this Act affects any right of an owner of a prop-
 22 erty right described in subsection (a) to access the owner's
 23 property.

24 (c) REASONABLE CONDITIONS.—

1 (1) IN GENERAL.—The Secretary or the Sec-
2 retary of the Interior may impose such reasonable
3 conditions on access to property rights described in
4 subsection (a) as are appropriate for the cleanup
5 and closure of Rocky Flats and for the management
6 of the refuge.

7 (2) NO EFFECT ON APPLICABLE LAW.—Noth-
8 ing in this Act affects any other applicable Federal,
9 State, or local law (including any regulation) relat-
10 ing to the use, development, and management of
11 property rights described in subsection (a).

12 (3) NO EFFECT ON ACCESS RIGHTS.—Nothing
13 in this subsection precludes the exercise of any ac-
14 cess right, in existence on the date of enactment of
15 this Act, that is necessary to perfect or maintain a
16 water right in existence on that date.

17 (d) PURCHASE OF MINERAL RIGHTS.—

18 (1) IN GENERAL.—The Secretary shall seek to
19 acquire any and all mineral rights at Rocky Flats
20 through donation or through purchase or exchange
21 from willing sellers for fair market value.

22 (2) FUNDING.—The Secretary and the Sec-
23 retary of the Interior—

1 (A) may use for the purchase of mineral
2 rights under paragraph (1) funds specifically
3 provided by Congress; but

4 (B) shall not use for such purchase funds
5 appropriated by Congress for the cleanup and
6 closure of Rocky Flats.

7 (e) UTILITY EXTENSION.—

8 (1) IN GENERAL.—The Secretary or the Sec-
9 retary of the Interior may allow not more than 1 ex-
10 tension from an existing utility right-of-way on
11 Rocky Flats, if necessary.

12 (2) CONDITIONS.—An extension under para-
13 graph (1) shall be subject to the conditions specified
14 in subsection (c).

15 (f) EASEMENT SURVEYS.—

16 (1) IN GENERAL.—Subject to paragraph (2),
17 until the date that is 180 days after the date of en-
18 actment of this Act, an entity that possesses a de-
19 creed water right or prescriptive easement relating
20 to land at Rocky Flats may carry out such surveys
21 at Rocky Flats as the entity determines are nec-
22 essary to perfect the right or easement.

23 (2) LIMITATION ON CONDITIONS.—An activity
24 carried out under paragraph (1) shall be subject
25 only to such conditions as are imposed—

1 (A) by the Secretary of Energy, before the
 2 date on which the transfer of management re-
 3 sponsibilities under section 5(a)(3) is com-
 4 pleted, to minimize interference with the clean-
 5 up and closure of Rocky Flats; and

6 (B) by the Secretary of the Interior, on or
 7 after the date on which the transfer of manage-
 8 ment responsibilities under section 5(a)(3) is
 9 completed, to minimize adverse effects on the
 10 management of the refuge.

11 **SEC. 10. ROCKY FLATS MUSEUM.**

12 (a) MUSEUM.—In order to commemorate the con-
 13 tribution that Rocky Flats and its worker force provided
 14 to the winning of the Cold War and the impact that the
 15 contribution has had on the nearby communities and the
 16 State of Colorado, the Secretary may establish a Rocky
 17 Flats Museum.

18 (b) LOCATION.—The Rocky Flats Museum shall be
 19 located in the city of Arvada, Colorado, unless, after con-
 20 sultation under subsection (c), the Secretary determines
 21 otherwise.

22 (c) CONSULTATION.—The Secretary shall consult
 23 with the city of Arvada, other local communities, and the
 24 Colorado State Historical Society on—

25 (1) the development of the museum;

1 (2) the siting of the museum; and

2 (3) any other issues relating to the development
3 and construction of the museum.

4 (d) REPORT.—Not later than 3 years after the date
5 of enactment of this Act, the Secretary, in coordination
6 with the city of Arvada, shall submit to the Committee
7 on Armed Services of the Senate and the appropriate com-
8 mittee of the House of Representatives a report on the
9 costs associated with the construction of the museum and
10 any other issues relating to the development and construc-
11 tion of the museum.

12 **SEC. 11. REPORT ON FUNDING.**

13 At the time of submission of the first budget of the
14 United States Government submitted by the President
15 under section 1105 of title 31, United States Code, after
16 the date of enactment of this Act, and annually thereafter,
17 the Secretary and the Secretary of the Interior shall report
18 to the Committee on Armed Services and the Committee
19 on Appropriations of the Senate and the appropriate com-
20 mittees of the House of Representatives on—

21 (1) the costs incurred in implementing this Act
22 during the preceding fiscal year; and

23 (2) the funds required to implement this Act
24 during the current and subsequent fiscal years.

○