

110TH CONGRESS
2D SESSION

S. 3253

To provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 10 (legislative day, JULY 9), 2008

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, 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 “Port Chicago Naval
5 Magazine National Memorial Enhancement Act of 2008”.

6 **SEC. 2. PORT CHICAGO NAVAL MAGAZINE NATIONAL ME-** 7 **MORIAL.**

8 Section 203 of the Port Chicago National Memorial
9 Act of 1992 (Public Law 102–562; 16 U.S.C. 431; 106
10 Stat. 4235) is amended—

1 (1) by redesignating subsection (c) as sub-
2 section (f);

3 (2) by inserting after subsection (b) the fol-
4 lowing new subsections:

5 “(c) ADMINISTRATION.—The Secretary of the Inte-
6 rior shall administer the Port Chicago Naval Magazine
7 National Memorial as a unit of the National Park System
8 in accordance with this Act and laws generally applicable
9 to units of the National Park System, including the Na-
10 tional Park Service Organic Act (39 Stat. 535; 16 U.S.C.
11 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666;
12 16 U.S.C. 461 et seq.). Land transferred to the adminis-
13 trative jurisdiction of the Secretary of the Interior under
14 subsection (d) shall be administered in accordance with
15 this subsection.

16 “(d) TRANSFER OF LAND.—The Secretary of De-
17 fense shall transfer a parcel of land, consisting of approxi-
18 mately 5 acres, depicted within the proposed boundary on
19 the map titled ‘Port Chicago Naval Magazine National
20 Memorial, Proposed Boundary’, numbered 018/80,001,
21 and dated August 2005, to the administrative jurisdiction
22 of the Secretary of the Interior if—

23 “(1) the Secretary of Defense determines that
24 the land is excess to military needs;

1 “(2) the Administrator of the Environmental
2 Protection Agency determines that all environmental
3 remedial, removal, and other actions necessary to
4 protect human health and the environment from any
5 release or threatened release of a hazardous sub-
6 stance, or other environmental contamination related
7 to the site, have been taken before the date of such
8 transfer in accordance with the Comprehensive Envi-
9 ronmental Response, Compensation, and Liability
10 Act of 1980 (42 U.S.C. 9601 et seq.) and other ap-
11 plicable laws; and

12 “(3) the Administrator of the Environmental
13 Protection Agency determines before the property
14 transfer, with the concurrence of the Secretary of
15 the Interior, that the property is suitable for the use
16 contemplated consistent with the protection of
17 human health and the environment.

18 “(e) ADDITIONAL RESPONSE.—If the Administrator
19 of the Environmental Protection Agency determines that
20 additional response action is necessary after the date of
21 transfer, it shall be conducted by the Secretary of Defense.

22 “(f) AGREEMENT WITH CITY OF CONCORD AND
23 EAST BAY REGIONAL PARK DISTRICT.—The Secretary of
24 the Interior is authorized to enter into an agreement with
25 the City of Concord, California, and the East Bay Re-

1 gional Park District, to establish and operate a facility
 2 for visitor orientation and parking, administrative offices,
 3 and curatorial storage for the Memorial.”; and

4 (3) in subsection (f) (as redesignated by para-
 5 graph (1)), by striking “Secretary of the Navy to
 6 provide public access to the Memorial.” and insert-
 7 ing “Secretary of Defense to provide as much public
 8 access as possible to the Memorial without inter-
 9 fering with military needs.”.

10 **SEC. 3. SENSE OF CONGRESS ON REMEDIATION AND RE-**
 11 **PAIR OF PORT CHICAGO NAVAL MAGAZINE**
 12 **NATIONAL MEMORIAL.**

13 (a) REMEDIATION.—It is the sense of Congress that,
 14 in order to facilitate the land transfer described in sub-
 15 section (d) of section 203 of the Port Chicago National
 16 Memorial Act of 1992, as added by section 2, the Sec-
 17 retary of Defense should promptly remediate remaining
 18 environmental contamination related to the land.

19 (b) REPAIR.—It is the sense of Congress that, in
 20 order to preserve the Port Chicago Naval Magazine Na-
 21 tional Memorial for future generations, the Secretary of
 22 Defense and the Secretary of the Interior should work to-
 23 gether to—

24 (1) repair storm damage to the Port Chicago
 25 site; and

1 (2) develop a process by which future repairs
2 and necessary modifications to the site can be
3 achieved in as timely and cost-effective a manner as
4 possible.

5 **SEC. 4. SAVINGS CLAUSE.**

6 Nothing in this Act, or the amendments made by this
7 Act, affects or limits the application of, or obligation to
8 comply with, any environmental law, including section
9 120(h) of the Comprehensive Environmental Response,
10 Compensation, and Liability Act of 1980 (42 U.S.C.
11 9620(h)).

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