

Suspend the Rules and Pass the Bill, H.R. 5987, with An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

112TH CONGRESS
2^D SESSION

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2012

Mr. HASTINGS of Washington (for himself, Mr. FLEISCHMANN, and Mr. LUJÁN) introduced the following bill; which was referred to the Committee on Natural Resources

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.

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 “Manhattan Project Na-
5 tional Historical Park Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Manhattan Project was an unprece-
4 dented top-secret program implemented during
5 World War II to produce an atomic bomb before
6 Nazi Germany;

7 (2) a panel of experts convened by the Presi-
8 dent's Advisory Council on Historic Preservation in
9 2001—

10 (A) stated that “the development and use
11 of the atomic bomb during World War II has
12 been called ‘the single most significant event of
13 the 20th century’”; and

14 (B) recommended that nationally signifi-
15 cant sites associated with the Manhattan
16 Project be formally established as a collective
17 unit and be administered for preservation, com-
18 memoration, and public interpretation in co-
19 operation with the National Park Service;

20 (3) the Manhattan Project National Historical
21 Park Study Act (Public Law 108–340; 118 Stat.
22 1362) directed the Secretary of the Interior, in con-
23 sultation with the Secretary of Energy, to conduct a
24 special resource study of the historically significant
25 sites associated with the Manhattan Project to as-
26 sess the national significance, suitability, and feasi-

1 bility of designating one or more sites as a unit of
2 the National Park System;

3 (4) after significant public input, the National
4 Park Service study found that “including Manhattan
5 Project-related sites in the national park system will
6 expand and enhance the protection and preservation
7 of such resources and provide for comprehensive in-
8 terpretation and public understanding of this nation-
9 ally significant story in the 20th century American
10 history”;

11 (5) the Department of the Interior, with the
12 concurrence of the Department of Energy, rec-
13 ommended the establishment of a Manhattan Project
14 National Historical Park comprised of resources
15 at—

16 (A) Oak Ridge, Tennessee;

17 (B) Los Alamos, New Mexico; and

18 (C) Hanford, in the Tri-Cities area, Wash-
19 ington; and

20 (6) designation of a Manhattan Project Na-
21 tional Historical Park as a unit of the National Park
22 System would improve the preservation of, interpre-
23 tation of, and access to the nationally significant his-
24 toric resources associated with the Manhattan
25 Project for present and future generations to gain a

1 better understanding of the Manhattan Project, in-
2 cluding the significant, far-reaching, and complex
3 legacy of the Manhattan Project.

4 **SEC. 3. PURPOSES.**

5 The purposes of this Act are—

6 (1) to preserve and protect for the benefit of
7 present and future generations the nationally signifi-
8 cant historic resources associated with the Manhat-
9 tan Project;

10 (2) to improve public understanding of the
11 Manhattan Project and the legacy of the Manhattan
12 Project through interpretation of the historic re-
13 sources associated with the Manhattan Project;

14 (3) to enhance public access to the Historical
15 Park consistent with protection of public safety, na-
16 tional security, and other aspects of the mission of
17 the Department of Energy; and

18 (4) to assist the Department of Energy, Histor-
19 ical Park communities, historical societies, and other
20 interested organizations and individuals in efforts to
21 preserve and protect the historically significant re-
22 sources associated with the Manhattan Project.

23 **SEC. 4. DEFINITIONS.**

24 In this Act:

1 (1) HISTORICAL PARK.—The term “Historical
2 Park” means the Manhattan Project National His-
3 torical Park established under section 5.

4 (2) MANHATTAN PROJECT.—The term “Man-
5 hattan Project” means the Federal program to de-
6 velop an atomic bomb ending on December 31,
7 1946.

8 (3) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 **SEC. 5. ESTABLISHMENT OF MANHATTAN PROJECT NA-**
11 **TIONAL HISTORICAL PARK.**

12 (a) ESTABLISHMENT.—

13 (1) DATE.—Not later than 1 year after the
14 date of enactment of this Act, there shall be estab-
15 lished as a unit of the National Park System the
16 Manhattan Project National Historical Park.

17 (2) AREAS INCLUDED.—The Historical Park
18 shall consist of facilities and areas listed under sub-
19 section (b) as determined by the Secretary, in con-
20 sultation with the Secretary of Energy. The Sec-
21 retary shall include the area referred to in sub-
22 section (b)(3)(A), the B Reactor National Historic
23 Landmark, in the Historical Park.

24 (b) ELIGIBLE AREAS.—The Historical Park may only
25 be comprised of one or more of the following areas, or

1 portions of the areas, as generally depicted in the map
2 titled “Manhattan Project National Historical Park
3 Sites”, numbered 540/108,834-C, and dated September
4 2012:

5 (1) OAK RIDGE, TENNESSEE.—Facilities, land,
6 or interests in land that are—

7 (A) at Buildings 9204–3 and 9731 at the
8 Y–12 National Security Complex;

9 (B) at the X–10 Graphite Reactor at the
10 Oak Ridge National Laboratory;

11 (C) at the K–25 Building site at the East
12 Tennessee Technology Park; and

13 (D) at the former Guest House located at
14 210 East Madison Road.

15 (2) LOS ALAMOS, NEW MEXICO.—Facilities,
16 land, or interests in land that are—

17 (A) in the Los Alamos Scientific Labora-
18 tory National Historic Landmark District, or
19 any addition to the Landmark District proposed
20 in the National Historic Landmark Nomina-
21 tion—Los Alamos Scientific Laboratory
22 (LASL) NHL District (Working Draft of NHL
23 Revision), Los Alamos National Laboratory
24 document LA–UR 12–00387 (January 26,
25 2012);

1 (B) at the former East Cafeteria located at
2 1670 Nectar Street; and

3 (C) at the former dormitory located at
4 1725 17th Street.

5 (3) HANFORD, WASHINGTON.—Facilities, land,
6 or interests in land that are—

7 (A) the B Reactor National Historic Land-
8 mark;

9 (B) the Hanford High School in the town
10 of Hanford and Hanford Construction Camp
11 Historic District;

12 (C) the White Bluffs Bank building in the
13 White Bluffs Historic District;

14 (D) the warehouse at the Bruggemann's
15 Agricultural Complex;

16 (E) the Hanford Irrigation District Pump
17 House; and

18 (F) the T Plant (221-T Process Building).

19 (c) WRITTEN CONSENT OF OWNER.—No non-Fed-
20 eral property may be included in the Historical Park with-
21 out the written consent of the owner.

22 **SEC. 6. AGREEMENT.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of this Act, the Secretary and the Sec-
25 retary of Energy (acting through the Oak Ridge, Los Ala-

1 mos, and Richland site offices) shall enter into an agree-
2 ment governing the respective roles of the Secretary and
3 the Secretary of Energy in administering the facilities,
4 land, or interests in land under the administrative jurisdic-
5 tion of the Department of Energy that is to be included
6 in the Historical Park under section 5(b), including provi-
7 sions for enhanced public access, management, interpreta-
8 tion, and historic preservation.

9 (b) RESPONSIBILITIES OF THE SECRETARY.—Any
10 agreement under subsection (a) shall provide that the Sec-
11 retary shall—

12 (1) have decisionmaking authority for the con-
13 tent of historic interpretation of the Manhattan
14 Project for purposes of administering the Historical
15 Park; and

16 (2) ensure that the agreement provides an ap-
17 propriate advisory role for the National Park Service
18 in preserving the historic resources covered by the
19 agreement.

20 (c) RESPONSIBILITIES OF THE SECRETARY OF EN-
21 ERGY.—Any agreement under subsection (a) shall provide
22 that the Secretary of Energy—

23 (1) shall ensure that the agreement appro-
24 priately protects public safety, national security, and
25 other aspects of the ongoing mission of the Depart-

1 ment of Energy at the Oak Ridge Reservation, Los
2 Alamos National Laboratory, and Hanford Site;

3 (2) may consult with and provide historical in-
4 formation to the Secretary concerning the Manhat-
5 tan Project;

6 (3) shall retain responsibility, in accordance
7 with applicable law, for any environmental remedi-
8 ation that may be necessary in or around the facili-
9 ties, land, or interests in land governed by the agree-
10 ment; and

11 (4) shall retain authority and legal obligations
12 for historic preservation and general maintenance,
13 including to ensure safe access, in connection with
14 the Department's Manhattan Project resources.

15 (d) AMENDMENTS.—The agreement under subsection
16 (a) may be amended, including to add to the Historical
17 Park facilities, land, or interests in land within the eligible
18 areas described in section 5(b) that are under the jurisdic-
19 tion of the Secretary of Energy.

20 **SEC. 7. PUBLIC PARTICIPATION.**

21 (a) IN GENERAL.—The Secretary shall consult with
22 interested State, county, and local officials, organizations,
23 and interested members of the public—

24 (1) before executing any agreement under sec-
25 tion 6; and

1 (2) in the development of the general manage-
2 ment plan under section 8(b).

3 (b) NOTICE OF DETERMINATION.—Not later than 30
4 days after the date on which an agreement under section
5 6 is entered into, the Secretary shall publish in the Fed-
6 eral Register notice of the establishment of the Historical
7 Park, including an official boundary map.

8 (c) AVAILABILITY OF MAP.—The official boundary
9 map published under subsection (b) shall be on file and
10 available for public inspection in the appropriate offices
11 of the National Park Service. The map shall be updated
12 to reflect any additions to the Historical Park from eligible
13 areas described in section 5(b).

14 (d) ADDITIONS.—Any land, interest in land, or facil-
15 ity within the eligible areas described in section 5(b) that
16 is acquired by the Secretary or included in an amendment
17 to the agreement under section 6(d) shall be added to the
18 Historical Park.

19 **SEC. 8. ADMINISTRATION.**

20 (a) IN GENERAL.—The Secretary shall administer
21 the Historical Park in accordance with—

22 (1) this Act; and

23 (2) the laws generally applicable to units of the
24 National Park System, including—

1 (A) the National Park System Organic Act
2 (16 U.S.C. 1 et seq.); and

3 (B) the Act of August 21, 1935 (16 U.S.C.
4 461 et seq.).

5 (b) GENERAL MANAGEMENT PLAN.—Not later than
6 3 years after the date on which funds are made available
7 to carry out this section, the Secretary, with the concur-
8 rence of the Secretary of Energy, and in consultation and
9 collaboration with the Oak Ridge, Los Alamos and Rich-
10 land Department of Energy site offices, shall complete a
11 general management plan for the Historical Park in ac-
12 cordance with section 12(b) of Public Law 91–383 (com-
13 monly known as the “National Park Service General Au-
14 thorities Act”) (16 U.S.C. 1a–7(b)).

15 (c) INTERPRETIVE TOURS.—The Secretary may, sub-
16 ject to applicable law, provide interpretive tours of histori-
17 cally significant Manhattan Project sites and resources in
18 the States of Tennessee, New Mexico, and Washington
19 that are located outside the boundary of the Historical
20 Park.

21 (d) LAND ACQUISITION.—

22 (1) IN GENERAL.—The Secretary may acquire
23 land and interests in land within the eligible areas
24 described in section 5(b) by—

1 (A) transfer of administrative jurisdiction
2 from the Department of Energy by agreement
3 between the Secretary and the Secretary of En-
4 ergy;

5 (B) donation; or

6 (C) exchange.

7 (2) NO USE OF CONDEMNATION.—The Sec-
8 retary may not acquire by condemnation any land or
9 interest in land under this Act or for the purposes
10 of this Act.

11 (e) DONATIONS; COOPERATIVE AGREEMENTS.—

12 (1) FEDERAL FACILITIES.—

13 (A) IN GENERAL.—The Secretary may
14 enter into one or more agreements with the
15 head of a Federal agency to provide public ac-
16 cess to, and management, interpretation, and
17 historic preservation of, historically significant
18 Manhattan Project resources under the jurisdic-
19 tion or control of the Federal agency.

20 (B) DONATIONS; COOPERATIVE AGREE-
21 MENTS.—The Secretary may accept donations
22 from, and enter into cooperative agreements
23 with, State governments, units of local govern-
24 ment, tribal governments, organizations, or in-
25 dividuals to further the purpose of an inter-

1 agency agreement entered into under subpara-
2 graph (A) or to provide visitor services and ad-
3 ministrative facilities within reasonable prox-
4 imity to the Historical Park.

5 (2) TECHNICAL ASSISTANCE.—The Secretary
6 may provide technical assistance to State, local, or
7 tribal governments, organizations, or individuals for
8 the management, interpretation, and historic preser-
9 vation of historically significant Manhattan Project
10 resources not included within the Historical Park.

11 (3) DONATIONS TO DEPARTMENT OF EN-
12 ERGY.—For the purposes of this Act, or for the pur-
13 pose of preserving and providing access to histori-
14 cally significant Manhattan Project resources, the
15 Secretary of Energy may accept, hold, administer,
16 and use gifts, bequests, and devises (including labor
17 and services).

18 **SEC. 9. CLARIFICATION.**

19 (a) NO BUFFER ZONE CREATED.—Nothing in this
20 Act, the establishment of the Historical Park, or the man-
21 agement plan for the Historical Park shall be construed
22 to create buffer zones outside of the Historical Park. That
23 an activity can be seen and heard from within the Histor-
24 ical Park shall not preclude the conduct of that activity
25 or use outside the Historical Park.

1 (b) NO CAUSE OF ACTION.—Nothing in this Act shall
2 constitute a cause of action with respect to activities out-
3 side or adjacent to the established boundary of the Histor-
4 ical Park.