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HEART MOUNTAIN RELOCATION CENTER STUDY ACT

AUGUST 5, 2010.—Ordered to be printed

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

R E P O R T

[To accompany S. 2722]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2722) to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of adding the Heart Mountain Relocation Center, in the State of Wyoming, as a unit of the National Park System, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 2722 is to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of adding the Heart Mountain Relocation Center, in the State of Wyoming, as a unit of the National Park System.

BACKGROUND AND NEED

In 1942, President Franklin Roosevelt signed Executive Order 9066, authorizing the War Department to exclude persons of Japanese ancestry from the West Coast military areas and intern them in relocation centers. The Heart Mountain Relocation Center (Center) is nationally significant because it is one of ten relocation centers built by the War Relocation Authority during World War II. The Center was occupied from August 1942 to November 1945 and, at its peak, housed 10,767 people of Japanese ancestry, two-thirds of whom were U.S. citizens.

In 1992, Congress enacted Title II of Public Law 102-248, which authorized and directed the Secretary of the Interior to prepare a Japanese American National Historic Landmark (NHL) Theme

Study, titled the “Japanese Americans in World War II.” The study identified, evaluated, and nominated as national historic landmarks those sites that best commemorate the period in American history from 1941–46 when Japanese Americans were interned pursuant to Executive Order 9066. The Heart Mountain Relocation Center was recommended for study for possible National Historic Landmark designation.

Today, four of the approximately 650 buildings constructed for the Heart Mountain Relocation Center remain, including a housing unit, a boiler house, a warehouse and a mess hall. The Bureau of Reclamation owns the 71 acre-parcel where the four buildings stand. In 1985, 30 acres were listed in the National Register.

S. 2722 would direct the Secretary of the Interior to conduct a special resource study of the Heart Mountain Relocation Center to evaluate the national significance of the site and to assess the suitability and feasibility of designating the site as a unit of the National Park System.

LEGISLATIVE HISTORY

S. 2722 was introduced by Senators Barrasso and Enzi on November 3, 2009. The Subcommittee on National Parks held a hearing on the bill on December 3, 2009. The Committee on Energy and Natural Resources considered the bill at its business meeting on June 16, 2010, and ordered S. 2722 favorably reported without amendment at its business meeting on June 21, 2010.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on June 21, 2010, by a voice vote of a quorum present, recommends that the Senate pass S. 2722.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the “Heart Mountain Relocation Center Study Act of 2009.”

Section 2(a) authorizes the Secretary of the Interior to conduct a special resource study.

Subsection (b) provides that the study shall determine the suitability and feasibility of adding the Heart Mountain Relocation Center as a unit of the National Park System, and shall consider other alternatives for the preservation, protection and interpretation of the site by Federal, State or local government entities or any other interested individuals. The study is also required to identify the costs estimates for any Federal acquisition, development, interpretation, operation and maintenance associated with the range of management alternatives.

Subsection (c) directs the study to be conducted in accordance with the requirements of section 8 of Public Law 91–383, relating to National Park Service study requirements.

Subsection (d) requires the Secretary to prepare and submit for review the results, conclusions, and recommendations of the study within 3 years after the date funds are made available for the study.

COST AND BUDGETARY CONSIDERATIONS

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

S. 2722—Heart Mountain Relocation Center Study Act of 2009

S. 2722 would require the National Park Service (NPS) to conduct a special resource study of the Heart Mountain Relocation Center in Wyoming. In the study, the NPS would evaluate the national significance of the site, which was used to intern Japanese Americans during World War II, and determine the suitability and feasibility of designating it as a unit of the National Park System. The NPS would have three years to complete the study and report to the Congress on its results.

Based on information provided by the NPS and assuming the availability of appropriated funds, CBO estimates that carrying out the study required by S. 2722 would cost about \$200,000 over the next three years. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

S. 2722 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, and tribal governments.

On June 21, 2010, CBO transmitted a cost estimate for H.R. 3989, the Heart Mountain Relocation Center Study Act of 2009, as ordered reported by the House Committee on Natural Resources on June 16, 2010. The two pieces of legislation are similar, and the CBO cost estimates are the same.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, 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. 2722.

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. 2722, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 2722, as ordered 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 at the December 3, 2009 Subcommittee hearing on S. 2722 follows:

STATEMENT OF KATHERINE H. STEVENSON, ASSISTANT DIRECTOR, BUSINESS SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 2722, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of adding the Heart Mountain Relocation Center, in the State of Wyoming, as a unit of the National Park System.

The Department supports S. 2722. However, we feel that priority should be given to the 49 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the National Trails System and the National Wild and Scenic River System that have not yet been transmitted to Congress.

S. 2722 would authorize the Secretary of the Interior (Secretary) to conduct a special resource study to determine the suitability and feasibility of designating the Heart Mountain Relocation Center as a unit of the National Park System. The study would also consider other alternatives for the preservation, protection and interpretation of the site by federal, State, or local governmental entities, or private and nonprofit organizations. The bill also directs the Secretary to identify any potential impacts to private landowners if the site is designated as a unit of the National Park System and specifies that the Secretary, through the study process, shall consult with interested federal, State, or local governmental entities, federally recognized Indian tribes, private and nonprofit organizations, and owners of private property that may be affected by any designation. Not later than three years after funds are made available, the Secretary is directed to submit the results and recommendations of the study to Congress. We estimate that this study will cost approximately \$240,000.

Located in northwest Wyoming, in the Shoshone River Valley, the Heart Mountain Relocation Center is one of 10 relocation centers established by the U.S. military to incarcerate Japanese Americans during World War II. The Center opened on August 11, 1942, and operated for 39 months, closing on November 10, 1945. At its peak, Heart Mountain contained 10,767 Japanese Americans, nearly all of whom were former residents of California, Oregon, and Washington, and two-thirds of whom were United States citizens.

The site tells the story of a group of American citizens whose constitutional rights were abrogated during a time when our nation was at war. Heart Mountain is also directly associated with one of the largest single draft resistance movements in United States history. To protest the confinement of their families, 315 Japanese Americans from all 10 relocation centers were imprisoned for resisting

induction into the military. Heart Mountain had the highest rate of resistance with 85 men imprisoned for their resistance to the draft.

The Heart Mountain Relocation Center originally encompassed 21,521 acres. However, the center's core developed area, which included the residential and administrative areas, contained approximately 740 acres.

Jointly managed by the Bureau of Reclamation and the Heart Mountain, Wyoming Foundation, the current Heart Mountain National Historic Landmark contains 124 acres with the remaining parts of the area privately owned. The Bureau of Reclamation owns and administers 74 acres, which includes the site of the original hospital complex and a portion of the administrative complex. The Heart Mountain, Wyoming Foundation owns 50 acres, which includes the relocation center's military police compound. The Foundation is currently engaged in a significant fundraising campaign to construct an 11,000 square foot Interpretive Learning Center at the site. To date, nearly one-half of the needed funds have been raised.

Although, as a nation, we are not proud of what happened at the Heart Mountain Relocation Center and the other nine detention sites where Japanese Americans were incarcerated during World War II, such sites allow us to learn from our history and remind us of how far we have come. The designation of the Heart Mountain Relocation Center as a National Historic Landmark has brought increased public recognition and awareness of the site. However, this designation does not guarantee additional safeguards or protection of the site. The special resource study process would allow all interested parties to comment on ways to preserve and allow for visitor enjoyment of the Heart Mountain Relocation Center.

Mr. Chairman, this concludes my prepared remarks. I would be happy to answer any questions you or any other members of the subcommittee 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 the bill S. 2722, as ordered reported.

