



Written by [Brian Koenig](#) on July 10, 2013

Democratic Lawmakers Propose National Park on the Moon

In an effort to “protect” the Apollo landing sites for “posterity,” two House Democrats on Monday [pitched](#) a bill that would establish a national historical park on the lunar surface to shelter the landing sites of the 1969-1972 Apollo missions. The legislation, proposed by Reps. Donna Edwards (D-Md.) and Eddie Bernice Johnson (D-Texas), would create the Apollo Lunar Landing Sites National Historical Park, which would safeguard artifacts left on the moon’s surface — such as flags and the bottom halves of lunar landers — from the Apollo 11 through 17 landings.



According to the bill’s sponsors, the legislation was drafted to preserve the sites for posterity, as the legislators anticipate a boost in commercial moon landings in the future. “As commercial enterprises and foreign nations acquire the ability to land on the Moon, it is necessary to protect the Apollo lunar landing sites for posterity,” the legislation reads. “Establishing the Historical Park under this Act will expand and enhance the protection and preservation of the Apollo lunar landing sites and provide for greater recognition and public understanding of this singular achievement in American history.”

“In 1969, led by the late Apollo Astronaut Neil Armstrong, American ingenuity changed history as humanity took a giant leap forward on the surface of the moon,” Rep. Edwards [asserted](#) Tuesday on the House floor. “That history, as preserved on the lunar surface, is now in danger, as spacefaring commercial entities and foreign nations begin to achieve the technical capabilities necessary to land spacecraft on the surface of the moon.”

In some capacity, space tourism has already made flight, with companies like Space Exploration Technologies, or SpaceX, now [making](#) preparations to lift customers into low orbit. Meanwhile, some NASA proponents and lawmakers, such as those who authored this bill, fear that when adventurous vacationers make landing on the moon, they will flock to the Apollo sites, potentially tampering with artifacts and the site itself.

Under the Apollo Lunar Landing Legacy Act, [H.R. 2617](#), the national park would be established within a year of the bill’s passage, and would be operated jointly by the Department of Interior and the National Aeronautics and Space Administration (NASA). The effort would grant the federal government authority to harvest donations from businesses and foreign governments to assist in managing the landing sites and “provid[ing] visitor services and administrative facilities within reasonable proximity to the Historical Park.”

Addressing donations and cooperative agreements, the bill explains:

(1) AGREEMENTS WITH OTHER FEDERAL AGENCIES. — The Secretary may enter into one or more agreements with the head of a Federal agency to provide public access to, and management,



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interpretation, and historic preservation of, historically significant Apollo lunar landing site resources under the jurisdiction or control of the Federal agency.

(2) DONATIONS; COOPERATIVE AGREEMENTS. — The Secretary may accept donations from, and enter into cooperative agreements with, foreign governments and international bodies, organizations, or individuals to further the purpose of an interagency agreement entered into under paragraph (1) or to provide visitor services and administrative facilities within reasonable proximity to the Historical Park.

(3) DONATIONS TO NASA.— For the purposes of this Act, the Administrator may accept, hold, administer, and use gifts, bequests, and devises (including labor and services).

After one year, NASA and the Interior Department would have to produce a blueprint on how to manage and administer the site, including proper monitoring of the sites, establishing access to the sites — in collaboration with other spacefaring countries and entities — and recording an accurate cataloging of items in the park. Furthermore, the U.S. government would have to submit the lunar landing park to the United Nations for designation as a World Heritage location.

[According to](#) Harold Maass of *The Week*, an effort to preserve aspects of the Apollo missions is not entirely new. As far back as 1984, the National Air and Space Museum requested that NASA transfer control of the Apollo mission's artifacts.

"Although there are, at present, no plans for return visits to the moon, it is certain as anything that someday man will return," Walter J. Boyne, the museum's director at the time, [affirmed](#). "When he does, it is imperative that the historic and scientific significance of all remnants of earlier, pioneering exploration efforts be fully appreciated and respected."

Some experts, however, [note](#) that the bill may conflict with various provisions of the 1967 Outer Space Treaty, which the United States and Soviet Union signed off on during the peak of the space race. While the treaty maintains that all space artifacts remain property of the country that launched them, it also bars any petition for national sovereignty on lunar territory.

In the bill, Edwards and Bernice Johnson claim they are limiting the park's provisions to the equipment itself, but they also defined the landing sites as "all areas of the Moon where astronauts and instruments connected to the Apollo program between 1969 and 1972 touched the lunar surface." This invokes astronauts' lunar footprints, which observers claim would be difficult to defend under the 1967 treaty.

As veteran space attorney James Dunstan noted, the last three Apollo excursions positioned lunar rovers that covered "significant amounts of real estate." Consequently, Dunstan suggests that legislation simply declaring American ownership of its equipment "would receive a much warmer international reception."

In addition to H.R. 2617, Edwards proposed a bill on Monday to reauthorize NASA for three years, with a new budget of \$18.1 billion in 2014, rising to \$18.9 billion in 2016. The legislation also proposes a human mission to Mars and a guarantee to fund International Space Station operations through 2020.

All constitutional issues of the bill aside, the legislation highlights some of the problems with signing UN treaties that give up U.S. sovereignty. Because the Outer Space treaty forbids "states from claiming territorial sovereignty" in outer space, the United States cannot even claim small parts of the moon, even though Americans are the only humans who have ever trod there. Since we cannot claim land



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there, we can't even protect our legacy, let alone anything else. If a private company were to discover important minerals in space and a way to mine them profitably, it has almost no incentive to actually mine these minerals because space has been deemed "the common heritage of mankind," not open to property claims by explorers and risk-takers — people willing to invest money in a venture. If such a treaty is allowed to remain, it will undoubtedly stifle efforts to make use of space, perhaps permanently.



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