

112TH CONGRESS
2D SESSION

S. 3398

To provide for several critical National Park Service authorities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 18, 2012

Mr. BINGAMAN (by request) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for several critical National Park Service authorities, 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 “National Park Service
5 Critical Authorities Act of 2012”.

6 **SEC. 2. DISTRICT OF COLUMBIA SNOW REMOVAL.**

7 The Act of September 16, 1922 (42 Stat. 845, chap-
8 ter 318) is amended by striking section 3 and inserting
9 the following:

1 **“SEC. 3. DUTIES OF FEDERAL AGENCIES.**

2 “(a) IN GENERAL.—It shall be the duty of a Federal
3 agency to remove, or cause to be removed, snow, sleet, or
4 ice from any paved sidewalk or crosswalk within the fire
5 limits of the District of Columbia that is—

6 “(1) in front of or adjacent to any building that
7 is—

8 “(A) owned by the United States; and

9 “(B) under the jurisdiction of the Federal
10 agency; or

11 “(2) a public thoroughfare in front of, around,
12 or through any public square, reservation, or open
13 space that is—

14 “(A) owned by the United States; and

15 “(B) under the jurisdiction of the Federal
16 agency.

17 “(b) TIMING.—The removal of snow, sleet, or ice
18 under subsection (a) shall occur within a reasonable period
19 after the snow or sleet ceases to fall or the ice has accumu-
20 lated, as applicable.

21 “(c) APPLICATION OF SAND, ASHES, AND SALT.—If
22 snow, sleet, or ice has hardened and cannot be removed
23 from a sidewalk or crosswalk described in subsection (a),
24 the Federal agency shall—

25 “(1) make the sidewalk or crosswalk reasonably
26 safe for travel by applying sand, ashes, salt, or other

1 acceptable materials to the affected sidewalk or
 2 crosswalk; and

3 “(2) as soon as practicable, thoroughly remove
 4 the snow, sleet, or ice from the affected sidewalk or
 5 crosswalk.

6 “(d) **AUTHORITY TO DELEGATE.**—A Federal agency
 7 may delegate the duty of the Federal agency under sub-
 8 sections (a) and (c) to another governmental entity or a
 9 nongovernmental entity under a lease, contract, or other
 10 comparable arrangement.

11 “(e) **AGREEMENT.**—If 2 or more Federal agencies
 12 have overlapping responsibility for a sidewalk or cross-
 13 walk, the Federal agencies may enter into an agreement
 14 assigning responsibility for the removal of snow, sleet, or
 15 ice from the sidewalk or crosswalk.”.

16 **SEC. 3. GEORGE WASHINGTON MEMORIAL PARKWAY.**

17 (a) **PURPOSE.**—The purpose of this section is to au-
 18 thorize, direct, facilitate, and expedite the transfer of ad-
 19 ministrative jurisdiction over certain Department of
 20 Transportation land and Department of the Interior land
 21 in accordance with the terms and conditions of this sec-
 22 tion.

23 (b) **DEFINITIONS.**—In this section:

24 (1) **AGREEMENT.**—The term “Agreement”
 25 means the agreement entered into by the Federal

1 Highway Administration and the National Park
2 Service on September 11, 2002, with respect to the
3 Federal land described in this section.

4 (2) DOI LAND.—The term “DOI land” means
5 the approximately 0.342 acres of Department of the
6 Interior land that is—

7 (A) located within the boundary of the
8 George Washington Memorial Parkway; and

9 (B) generally depicted as “B” on the Map.

10 (3) DOT LAND.—The term “DOT land” means
11 the approximately 0.479 acres of Department of
12 Transportation land within the boundary of the Re-
13 search Center that is—

14 (A) adjacent to the boundary of the George
15 Washington Memorial Parkway; and

16 (B) generally depicted as “A” on the Map.

17 (4) MAP.—The term “Map” means the map en-
18 titled “GWMP–Claude Moore Farm Proposed
19 Boundary Adjustment”, numbered 850/82003, and
20 dated April 2004.

21 (5) RESEARCH CENTER.—The term “Research
22 Center” means the Turner-Fairbank Highway Re-
23 search Center of the Federal Highway Administra-
24 tion.

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (c) ADMINISTRATIVE JURISDICTION.—

4 (1) IN GENERAL.—The Secretary may transfer
5 to the Secretary of Transportation administrative ju-
6 risdiction over the DOI land in exchange for the
7 transfer by the Secretary of Transportation to the
8 Secretary of administration jurisdiction over the
9 DOT land.

10 (2) USE RESTRICTION.—

11 (A) IN GENERAL.—The Secretary shall re-
12 strict the use of the land described in subpara-
13 graph (B) by prohibiting the storage, construc-
14 tion, or installation of any item that may ob-
15 struct the view from the Research Center to the
16 George Washington Memorial Parkway.

17 (B) DESCRIPTION OF RESTRICTED
18 LAND.—The land referred to in subparagraph
19 (A) is the approximately 0.139 acres of land
20 within the boundary of the George Washington
21 Memorial Parkway immediately adjacent to the
22 north perimeter fence of the Research Center,
23 generally depicted as “C” on the Map.

24 (3) NO REIMBURSEMENT OR CONSIDER-
25 ATION.—No reimbursement or consideration shall be

1 required for the transfer of administrative jurisdic-
2 tion under this subsection.

3 (4) COMPLIANCE WITH AGREEMENT.—

4 (A) IN GENERAL.—The National Park
5 Service and the Federal Highway Administra-
6 tion shall comply with all terms and conditions
7 of the Agreement regarding the transfer of ad-
8 ministrative jurisdiction, management, and
9 maintenance of the land described in the Agree-
10 ment.

11 (B) ACCESS TO RESTRICTED LAND.—

12 (i) IN GENERAL.—Subject to clauses
13 (ii) and (iii), the Secretary shall allow the
14 Research Center to access the land de-
15 scribed in paragraph (2)(B) for purposes
16 of maintenance in accordance with Na-
17 tional Park Service standards, including
18 grass mowing, weed control, tree mainte-
19 nance, fence maintenance, and mainte-
20 nance of the visual appearance of the land.

21 (ii) PRUNING AND REMOVAL OF
22 TREES.—No tree on the land described in
23 paragraph (2)(B) that is 6 inches or more
24 in diameter shall be pruned or removed

1 without the advance written permission of
 2 the Secretary.

3 (iii) PESTICIDES.—The use of pes-
 4 ticides on the land described in paragraph
 5 (2)(B) shall be approved in writing by the
 6 Secretary prior to application of the pes-
 7 ticides.

8 (5) AVAILABILITY OF MAP.—The Map shall be
 9 available for public inspection in the appropriate of-
 10 fices of the National Park Service.

11 (d) MANAGEMENT OF TRANSFERRED LAND.—

12 (1) DOT LAND.—The DOT land transferred to
 13 the Secretary under subsection (c)(1) shall be—

14 (A) included in the boundaries of the
 15 George Washington Memorial Parkway; and

16 (B) administered as part of the George
 17 Washington Memorial Parkway, subject to ap-
 18 plicable laws (including regulations).

19 (2) DOI LAND.—The DOI land transferred to
 20 the Secretary of Transportation under subsection
 21 (c)(1) shall be—

22 (A) included in the boundary of the Re-
 23 search Center; and

24 (B) removed from the boundary of the
 25 parkway.

1 (3) RESTRICTED-USE LAND.—The land de-
 2 scribed in subsection (c)(2)(B) shall be maintained
 3 by the Research Center.

4 **SEC. 4. UNIFORM PENALTIES FOR VIOLATIONS ON PARK**
 5 **SERVICE LAND.**

6 (a) IN GENERAL.—The first section of the Act of
 7 March 2, 1933 (47 Stat. 1420, chapter 180), is amended
 8 by striking “imprisonment.” and inserting the following:
 9 “imprisonment, unless the violation occurs at a park, site,
 10 monument, or memorial that is part of the National Park
 11 System, in which case the violation shall be subject to the
 12 appropriate penalty under section 3 of the National Park
 13 Service Organic Act (16 U.S.C. 3) and subchapter C of
 14 chapter 227 of part II of title 18, United States Code.”.

15 (b) ADMINISTRATION BY SECRETARY OF INTE-
 16 RIOR.—Section 2(k) of the Act of August 21, 1935 (16
 17 U.S.C. 462(k)), is amended by striking “proceedings.”
 18 and inserting the following: “proceedings, unless the viola-
 19 tion occurs at an area that is part of the National Park
 20 System, in which case the violation shall be subject to the
 21 appropriate penalty under section 3 of the National Park
 22 Service Organic Act (16 U.S.C. 3) and subchapter C of
 23 chapter 227 of part II of title 18, United States Code.”.

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as are necessary to carry out this Act.

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