

Calendar No. 546

111TH CONGRESS
2^D SESSION**H. R. 3804****[Report No. 111-276]**

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2009

Received; read twice and referred to the Committee on Energy and Natural
Resources

AUGUST 5, 2010

Reported by Mr. BINGAMAN, without amendment

AN ACT

To make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Park Service Authorities and Corrections Act
6 of 2009”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL PARK SERVICE AUTHORIZATIONS

Sec. 101. National Park System Advisory Board.
 Sec. 102. National Park Service Concessions Management Advisory Board.
 Sec. 103. National Park System uniform penalties.
 Sec. 104. Volunteers in the parks.

TITLE II—PEARL HARBOR TICKETING

Sec. 201. Definitions.
 Sec. 202. Facilitation of admission to historic attractions within Pearl Harbor
 Naval Complex.
 Sec. 203. Protection of resources.

TITLE III—CHANGES TO NATIONAL PARK UNITS

Sec. 301. George Washington Memorial Parkway.
 Sec. 302. District of Columbia snow removal.
 Sec. 303. Martin Luther King, Jr. National Historical Park.
 Sec. 304. Lava Beds National Monument Wilderness boundary adjustment.

TITLE IV—TECHNICAL CORRECTIONS

Sec. 401. Baltimore National Heritage Area.
 Sec. 402. Muscle Shoals National Heritage Area.
 Sec. 403. Snake River headwaters.
 Sec. 404. Taunton River.
 Sec. 405. Cumberland Island National Seashore.
 Sec. 406. Niagara Falls National Heritage Area.

3 **TITLE I—NATIONAL PARK**
 4 **SERVICE AUTHORIZATIONS**

5 **SEC. 101. NATIONAL PARK SYSTEM ADVISORY BOARD.**

6 Section 3(f) of the Act entitled, “An Act to provide
 7 for the preservation of historic American sites, buildings,
 8 objects, and antiquities of national significance, and for
 9 other purposes”, approved August 21, 1935 (16 U.S.C.
 10 463(f)), is amended in the first sentence by striking
 11 “2010” and inserting “2020”.

1 **SEC. 102. NATIONAL PARK SERVICE CONCESSIONS MAN-**
2 **AGEMENT ADVISORY BOARD.**

3 Section 409(d) of the National Park Service Conces-
4 sions Management Improvement Act of 1998 (Public Law
5 105–391) is amended by striking “2009” and inserting
6 “2019”.

7 **SEC. 103. NATIONAL PARK SYSTEM UNIFORM PENALTIES.**

8 (a) FINES AND IMPRISONMENT.—The first section of
9 the Act entitled, “An Act to provide for the protection of
10 national military parks, national parks, battlefield sites,
11 national monuments, and miscellaneous memorials under
12 the control of the War Department”, approved March 2,
13 1933 (47 Stat. 1420, ch. 180), is amended by striking
14 “such fine and imprisonment.” and inserting “such fine
15 and imprisonment; except if the violation occurs within a
16 park, site, monument, or memorial that is part of the Na-
17 tional Park System, where violations shall be subject to
18 the penalty provision set forth in section 3 of the Act of
19 August 25, 1916 (16 U.S.C. 3; commonly known as the
20 ‘National Park Service Organic Act’) and section 3571 of
21 title 18, United States Code.”.

22 (b) COST OF PROCEEDINGS.—Section 2(k) of the Act
23 entitled, “An Act to provide for the preservation of historic
24 American sites, buildings, objects, and antiquities of na-
25 tional significance, and for other purposes”, approved Au-
26 gust 21, 1935 (16 U.S.C. 462(k)), is amended by striking

1 “cost of the proceedings.” and inserting “cost of the pro-
2 ceedings; except if the violation occurs within an area that
3 is part of the National Park System, where violations shall
4 be subject to the penalty provision set forth in section 3
5 of the Act of August 25, 1916 (16 U.S.C. 3; commonly
6 known as the ‘National Park Service Organic Act’), and
7 section 3571 of title 18, United States Code.”.

8 **SEC. 104. VOLUNTEERS IN THE PARKS.**

9 Section 4 of the Volunteers in the Parks Act of 1969
10 (16 U.S.C. 18j) is amended by striking “\$3,500,000” and
11 inserting “\$10,000,000”.

12 **TITLE II—PEARL HARBOR**
13 **TICKETING**

14 **SEC. 201. DEFINITIONS.**

15 In this title:

16 (1) **SECRETARY.**—The term “Secretary” means
17 the Secretary of the Interior.

18 (2) **PEARL HARBOR HISTORIC SITE.**—The term
19 “Pearl Harbor historic site” means a historic attrac-
20 tion within the Pearl Harbor Naval Complex, includ-
21 ing the USS Bowfin Submarine Museum and Park,
22 the Battleship Missouri Memorial, the Pacific Avia-
23 tion Museum—Pearl Harbor, and any other historic
24 attraction that the Secretary identifies as a Pearl

1 Harbor historic site and that is not administered or
2 managed by the Secretary.

3 (3) VISITOR CENTER.—The term “visitor cen-
4 ter” means the visitor center located within the
5 Pearl Harbor Naval Complex on lands that are with-
6 in the World War II Valor in the Pacific National
7 Monument and managed by the Secretary through
8 the National Park Service.

9 **SEC. 202. FACILITATION OF ADMISSION TO HISTORIC AT-**
10 **TRACTIONS WITHIN PEARL HARBOR NAVAL**
11 **COMPLEX.**

12 (a) IN GENERAL.—The Secretary, in managing the
13 World War II Valor in the Pacific National Monument,
14 may enter into an agreement with the nonprofit organiza-
15 tions or other legally recognized entities that are author-
16 ized to administer or manage a Pearl Harbor historic
17 site—

18 (1) to allow visitors to a Pearl Harbor historic
19 site to gain access to the site by passing through se-
20 curity screening at the Visitor Center; and

21 (2) to allow the sale of tickets to a Pearl Har-
22 bor historic site within the Visitor Center by employ-
23 ees of the National Park Service or by organizations
24 that administer or manage a Pearl Harbor historic
25 site.

1 (b) TERMS AND CONDITIONS.—In any agreement en-
2 tered into pursuant to this title, the Secretary—

3 (1) shall require the organization administering
4 or managing a Pearl Harbor historic site to pay to
5 the Secretary a reasonable fee to recover administra-
6 tive costs associated with the use of the Visitor Cen-
7 ter for public access and ticket sales, the proceeds
8 of which shall remain available, without further ap-
9 propriation, for use by the National Park Service at
10 the World War II Valor in the Pacific National
11 Monument;

12 (2) shall ensure the limited liability of the
13 United States arising from the admission of the pub-
14 lic through the Visitor Center to a Pearl Harbor his-
15 toric site and the sale or issuance of any tickets to
16 the site; and

17 (3) may include any other terms and conditions
18 the Secretary deems appropriate.

19 (c) LIMITATION OF AUTHORITY.—Under this title,
20 the Secretary shall have no authority—

21 (1) to regulate or approve the rates for admis-
22 sion to an attraction within the Pearl Harbor his-
23 toric site;

24 (2) to regulate or manage any visitor services of
25 any historic sites within the Pearl Harbor Naval

1 Complex other than at those sites managed by the
2 National Park Service as part of World War II
3 Valor in the Pacific National Monument; or

4 (3) to charge an entrance fee for admission to
5 the World War II Valor in the Pacific National
6 Monument.

7 **SEC. 203. PROTECTION OF RESOURCES.**

8 Nothing in this title authorizes the Secretary or any
9 organization that administers or manages a Pearl Harbor
10 historic site to take any action in derogation of the preser-
11 vation and protection of the values and resources of the
12 World War II Valor in the Pacific National Monument.

13 **TITLE III—CHANGES TO**
14 **NATIONAL PARK UNITS**

15 **SEC. 301. GEORGE WASHINGTON MEMORIAL PARKWAY.**

16 (a) PURPOSE.—The purpose of this section is to au-
17 thorize, direct, facilitate, and expedite the transfer of ad-
18 ministrative jurisdiction of certain Federal land in accord-
19 ance with the terms and conditions of this section.

20 (b) DEFINITIONS.—In this section:

21 (1) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

23 (2) RESEARCH CENTER.—The term “Research
24 Center” means the Federal Highway Administra-
25 tion’s Turner-Fairbank Highway Research Center.

1 (3) FARM.—The term “Farm” means the
2 Claude Moore Colonial Farm.

3 (4) MAP.—The term “Map” means the map ti-
4 tled “GWMP—Claude Moore Proposed Boundary
5 Adjustment”, numbered 850/82003, and dated April
6 2004. The map shall be available for public inspec-
7 tion in the appropriate offices of the National Park
8 Service, Department of the Interior.

9 (c) ADMINISTRATIVE JURISDICTION TRANSFER.—

10 (1) TRANSFER OF JURISDICTION.—

11 (A) IN GENERAL.—The Secretary and the
12 Secretary of Transportation are authorized to
13 transfer administrative jurisdiction for approxi-
14 mately 0.342 acre of land under the jurisdiction
15 of the Department of the Interior within the
16 boundary of the George Washington Memorial
17 Parkway, generally depicted as “B” on the
18 Map, for approximately 0.479 acre within the
19 boundary of the Research Center land under
20 the jurisdiction of the Department of Transpor-
21 tation adjacent to the boundary of the George
22 Washington Memorial Parkway, generally de-
23 picted as “A” on the Map.

24 (B) USE RESTRICTION.—The Secretary
25 shall restrict the use of 0.139 acre of land with-

1 in the boundary of the George Washington Me-
2 morial Parkway immediately adjacent to part of
3 the north perimeter fence of the Research Cen-
4 ter, generally depicted as “C” on the Map, by
5 prohibiting the storage, construction, or instal-
6 lation of any item that may obstruct the view
7 from the Research Center into the George
8 Washington Memorial Parkway.

9 (2) REIMBURSEMENT OR CONSIDERATION.—

10 The transfer of administrative jurisdiction under
11 this section shall occur without reimbursement or
12 consideration.

13 (3) COMPLIANCE WITH AGREEMENT.—

14 (A) AGREEMENT.—The National Park
15 Service and the Federal Highway Administra-
16 tion shall comply with all terms and conditions
17 of the Agreement entered into by the parties on
18 September 11, 2002, regarding the transfer of
19 administrative jurisdiction, management, and
20 maintenance of the lands discussed in the
21 Agreement.

22 (B) ACCESS TO LAND.—The Secretary
23 shall allow the Research Center access to the
24 land the Secretary restricts under paragraph
25 (1)(B) for purposes of maintenance in accord-

1 ance with National Park Service standards,
2 which includes grass mowing and weed control,
3 tree maintenance, fence maintenance, and vis-
4 ual appearance. No tree 6 inches or more in di-
5 ameter shall be pruned or removed without the
6 advance written permission of the Secretary.
7 Any pesticide use must be approved in writing
8 by the Secretary prior to application of the pes-
9 ticide.

10 (d) MANAGEMENT OF TRANSFERRED LANDS.—

11 (1) INTERIOR LAND.—The land transferred to
12 the Secretary under subsection (c)(1) shall be in-
13 cluded in the boundaries of the George Washington
14 Memorial Parkway and shall be administered by the
15 National Park Service as part of the parkway sub-
16 ject to applicable laws and regulations.

17 (2) TRANSPORTATION LAND.—The land trans-
18 ferred to the Secretary of Transportation under sub-
19 section (c)(1) shall be included in the boundary of
20 the Research Center and shall be removed from the
21 boundary of the parkway.

22 (3) RESTRICTED-USE LAND.—The land the Sec-
23 retary has designated for restricted use under sub-
24 section (c)(1) shall be maintained by the Research
25 Center.

1 **SEC. 302. DISTRICT OF COLUMBIA SNOW REMOVAL.**

2 Section 3 of the Act entitled, “An Act Providing for
3 the removal of snow and ice from the paved sidewalks of
4 the District of Columbia”, approved September 16, 1922
5 (Sec. 9–603, D.C. Official Code), is amended to read as
6 follows:

7 “SEC. 3. (a) It shall be the duty of a Federal agency
8 to remove, or cause to be removed, snow, sleet, or ice from
9 paved sidewalks and crosswalks within the fire limits of
10 the District of Columbia that are—

11 “(1) in front of or adjacent to buildings owned
12 by the United States and under such Federal agen-
13 cy’s jurisdiction; or

14 “(2) public thoroughfares in front of, around,
15 or through public squares, reservations, or open
16 spaces and that are owned by the United States and
17 under such Federal agency’s jurisdiction.

18 “(b) The snow, sleet, or ice removal required by sub-
19 section (a) shall occur within a reasonable time period
20 after snow or sleet ceases to fall or after ice has accumu-
21 lated. In the event that snow, sleet, or ice has hardened
22 and cannot be removed, such Federal agency shall—

23 “(1) make the paved sidewalks and crosswalks
24 under its jurisdiction described in subsection (a) rea-
25 sonably safe for travel by the application of sand,
26 ashes, salt, or other acceptable materials; and

1 “(2) as soon as practicable, thoroughly remove
2 the snow, sleet, or ice.

3 “(c)(1) The duty of a Federal agency described in
4 subsections (a) and (b) may be delegated to another gov-
5 ernmental or nongovernmental entity through a lease, con-
6 tract, or other comparable arrangement.

7 “(2) If two or more Federal agencies have overlap-
8 ping responsibility for the same sidewalk or crosswalk they
9 may enter into an arrangement assigning responsibility.”.

10 **SEC. 303. MARTIN LUTHER KING, JR. NATIONAL HISTOR-**
11 **ICAL PARK.**

12 (a) AMENDMENTS.—The Act entitled “An Act to es-
13 tablish the Martin Luther King, Junior, National Historic
14 Site in the State of Georgia, and for other purposes”, ap-
15 proved October 10, 1980 (Public Law 96–428; 94 Stat.
16 1839) is amended—

17 (1) in the first section, by striking “the map
18 entitled ‘Martin Luther King, Junior, National His-
19 toric Site Boundary Map’, number 489/80,013B,
20 and dated September 1992” and inserting “the map
21 titled ‘Martin Luther King, Jr. National Historical
22 Park’, numbered 489/80,032, and dated April
23 2009”;

24 (2) by striking “Martin Luther King, Junior,
25 National Historic Site” each place it appears and in-

1 serting “Martin Luther King, Jr. National Histor-
2 ical Park”; and

3 (3) by striking “historic site” each place it ap-
4 pears and inserting “historical park”.

5 (b) REFERENCES.—Any reference in any law (other
6 than this Act), map, regulation, document, record, or
7 other official paper of the United States to the “Martin
8 Luther King, Junior, National Historic Site” shall be con-
9 sidered to be a reference to the “Martin Luther King, Jr.
10 National Historical Park”.

11 **SEC. 304. LAVA BEDS NATIONAL MONUMENT WILDERNESS**

12 **BOUNDARY ADJUSTMENT.**

13 The first section of the Act of October 13, 1972
14 (Public Law 92–493; 16 U.S.C. 1132 note), is amended
15 in the first sentence—

16 (1) by striking “That, in” and inserting the fol-
17 lowing:

18 “SECTION 1. In”; and

19 (2) by striking “ten thousand acres” and all
20 that follows through the end of the sentence and in-
21 serting “10,431 acres, as depicted within the pro-
22 posed wilderness boundary on the map titled ‘Lava
23 Beds National Monument, Proposed Wilderness
24 Boundary Adjustment’, numbered 147/80,015, and
25 dated September 2005, and those lands within the

1 area generally known as the ‘Schonchin Lava Flow’,
2 comprising approximately 18,029 acres, as depicted
3 within the proposed wilderness boundary on the
4 map, are designated as wilderness.”.

5 **TITLE IV—TECHNICAL** 6 **CORRECTIONS**

7 **SEC. 401. BALTIMORE NATIONAL HERITAGE AREA.**

8 The Omnibus Public Land Management Act of 2009
9 (Public Law 111–11) is amended—

10 (1) in sections 8005(b)(3) and 8005(b)(4) by
11 striking “Baltimore Heritage Area Association” and
12 inserting “Baltimore City Heritage Area Associa-
13 tion”; and

14 (2) in section 8005(i) by striking “EFFECTIVE-
15 NESS” and inserting “FINANCIAL ASSISTANCE”.

16 **SEC. 402. MUSCLE SHOALS NATIONAL HERITAGE AREA.**

17 Section 8009(j) of the Omnibus Public Land Man-
18 agement Act of 2009 is amended by striking “EFFECTIVE-
19 NESS” and inserting “FINANCIAL ASSISTANCE”.

20 **SEC. 403. SNAKE RIVER HEADWATERS.**

21 Section 5002(c)(1) of the Omnibus Public Land Man-
22 agement Act of 2009 is amended by striking “paragraph
23 (205) of section 3(a)” each place it appears and inserting
24 “paragraph (206) of section 3(a)”.

1 **SEC. 404. TAUNTON RIVER.**

2 Section 5003(b) of the Omnibus Public Land Man-
3 agement Act of 2009 is amended by striking “section
4 3(a)(206)” each place it appears and inserting “section
5 3(a)(207)”.

6 **SEC. 405. CUMBERLAND ISLAND NATIONAL SEASHORE.**

7 Section 6(b) of the Act titled “An Act to establish
8 the Cumberland Island National Seashore in the State of
9 Georgia, and for other purposes” (Public Law 92–536)
10 is amended by striking “physiographic conditions not pre-
11 vailing” and inserting “physiographic conditions now pre-
12 vailing”.

13 **SEC. 406. NIAGARA FALLS NATIONAL HERITAGE AREA.**

14 Section 427(k) of the Consolidated Natural Re-
15 sources Act of 2008 (Public Law 110–229) is amended
16 by striking “Except as provided for the leasing of adminis-
17 trative facilities under subsection (g)(1), the” and insert-
18 ing “The”.

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