

LEGISLATION

CAPPER-CRAMTON ACT

Act of May 29, 1930 (46 Stat. 482), as amended by the Act of August 8, 1946 (60 Stat. 960), Section 3 of the Act of July 19, 1952 (66 Stat. 781, 791), and the Act of August 21, 1958 (72 Stat. 705).

An Act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, **and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that there is hereby authorized to be appropriated the sum of \$13,500,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, **for acquiring and developing, except as in this section otherwise provided, in accordance with the provision of the Act of June 6, 1924, entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital," as amended, such lands in the States of Maryland and Virginia as are necessary and desirable for the park and parkway system of the National Capital in the environs of Washington.** Such funds shall be appropriated as required for the expeditious, economical, and efficient development and completion of the following projects:

(a) For the George Washington Memorial Parkway, to include the shores of the Potomac, and adjacent lands, from Mount Vernon to a point above the Great Falls on the Virginia side, except within the City of Alexandria, and from Fort Washington to a similar point above the Great Falls on the Maryland side except within the District of Columbia, and including the protection and preservation of the natural scenery of the Gorge and the Great Falls of the Potomac, the preservation of the historic Patowmack Canal, and the acquisition of that portion of the Chesapeake and Ohio Canal below Point of Rocks, \$7,500,00; Provided, That the acquisition of any land in the Potomac River Valley for park purposes shall not debar, limit, or abridge its use for such works as Congress may in the future authorize for the improvement and the extension of navigation, including the connecting of the upper Potomac River with the Ohio River, or for flood control irrigation or drainage, or for the development of hydroelectric power.

The title to the lands acquired hereunder shall vest in the United States, and said lands, including the Mount Vernon Memorial Highway authorized by the Act approved May 23, 1928, upon its completion, shall be maintained and administered by the Director of Public Buildings and Public Parks of the National Capital, who shall exercise all the authority, power, and duties with respect to lands acquired under this section as are conferred upon him within the District of Columbia by the Act approved February 26, 1925; and said director is authorized to incur such expenses as may be necessary for the proper administration and maintenance of said lands within the limits

of the appropriations from time to time granted therefor from the Treasury of the United States, which appropriations are hereby authorized.

The National Capital Park and Planning Commission is authorized to occupy such lands belonging to the United States as may be necessary for the development and protection of said parkway and to accept the donation to the United States of any other lands by it deemed desirable for inclusion in said parkway. As to any lands in Maryland or Virginia along or adjacent to the shores of the Potomac within the proposed limits of the parkway that would involve great expense for their acquisition and are held by said commission not to be essential to the proper carrying out of the project, the acquisition of said lands shall not be required, upon a finding of the commission to that effect.

Said parkway shall include a highway from Fort Washington to the Great Falls on the Maryland side of the Potomac and a free bridge across the Potomac at or near Great Falls and necessary approaches to said bridge; Provided, That no money shall be expended by the United States for lands for any unit of this project until the National Capital Park and Planning Commission shall have received definite commitments from the State of Maryland or Virginia, or political subdivisions thereof or from other responsible sources for one-half the cost of acquiring the lands in its judgment necessary for such unit of said project deemed by said commission sufficiently complete, other than lands now belonging to the United States or donated to the United States; Provided, That in the discretion of the National Capital Park and Planning Commission, upon agreement duly entered into the State of Maryland and Virginia or any political subdivision thereof to reimburse the United States as hereinafter provided, it may advance the full amount of the funds necessary for the acquisition of the lands in any such unit referred to in this paragraph, such agreement providing for reimbursement to the United States to the extent of one-half of the cost thereof within interest within nor more than eight years from the date of any such expenditure; Provided further, That in the discretion of the National Capital Planning Commission, upon agreement duly entered into between that Commission and the Maryland National Capital Park and Planning Commission, an agency of the State of Maryland, created by chapter 448 of the laws of Maryland of 1927, as amended, such portion of the said \$7,500,000 authorized to be appropriated under this paragraph as the said Federal and Maryland agencies may determine may be appropriated for the purposes set forth under paragraph (b) of this section and subject to the conditions imposed by that paragraph. The appropriation of the amount necessary for such advance, in addition to the contribution by the United States, is hereby authorized from any money in the Treasury not otherwise appropriated.

(b) For the extension of Rock creek into Maryland, as may be agreed upon between the National Capital Park and Planning Commission and the Maryland National Capital Park and Planning Commission, for the preservation of the flow of water in Rock Creek, for the extension of the Anacostia Park system up the valley of the Anacostia River, Indian Creek, Paint Branch and Little Paint Branch, the Northwest Branch and Sligo Creek; of the Oxon Run Parkway from the District of Columbia line to Marlboro Road; and of the George Washington Memorial Parkway up the valley of Cabin John Creek, Little Falls Branch, and Willet Run, as may be agreed upon between the National Capital Park and Planning Commission and the Maryland National Capital Park and Planning Commission, \$1,500,000; Provided, That no appropriation authorized in this subsection shall be available for expenditure until a suitable agreement is entered into by the

National Capital Park and Planning Commission and the Washington Suburban Sanitary Commission as to sewage disposal and storm water flow; Provided further, That no money shall be contributed by the United States for any unit of such extensions until the National Capital Park and Planning Commission shall have received definite commitments from the Maryland National Capital Park and Planning Commission for the balance of the cost of acquiring such unit of said extensions deemed by said commission sufficiently complete, other than lands now belonging to the United States or donated to the United States; Provided further, That in the discretion of the National Capital Park and Planning Commission upon agreement duly entered into with the Maryland National Capital Park and Planning Commission to reimburse the United States as hereinafter provided, it may advance the full amount of the funds necessary for the acquisition of the lands required for such extensions referred to in this paragraph, such advance, exclusive of said contribution of \$1,500,000 by the United States, not to exceed \$3,000,000, the appropriation of which amount from funds in the Treasury of the United States not otherwise appropriated is hereby authorized, such agreement providing for reimbursement to the United States of such advance, exclusive of said Federal contribution, without interest within not more than eight years from the date of any such expenditure. The title to the lands acquired hereunder shall vest in the State of Maryland. The development and administration thereof shall be under the Maryland National Capital Park and Planning Commission and in accordance with plans approved by the National Capital Park and Planning Commission.

(c) For the extension of the park and parkway system of the National Capital in the Virginia environs of Washington, as may be agreed upon between the National Capital Planning Commission and a park authority established under the Park Authorities Act of the State of Virginia (and such other public bodies as may be authorized under the laws of the State of Virginia), up the valleys of Hunting Creek, Cameron Run, Holmes Run, Tripps Run, Four Mile Run, Pimmit Run, Accotink Creek, and tributaries of such streams, and over other desirable lands, \$4,500,000. No part of such sum shall be expended by the United States for any unit or such extension until the National Capital Planning Commission has received definite commitments from such park authority (and other public bodies, and the State of Virginia for two-thirds of the cost of acquiring the lands in its judgment necessary for such unit of the extension deemed by the Commission sufficiently complete. The title to the lands acquired hereunder shall vest in, and the development and administration thereof shall be under, such park authority or the State of Virginia in accordance with plans approved by the National Capital Planning Commission. Such lands shall not be used for any purpose other than the development and completion of the park and parkway system provided for in this paragraph, except with the approval and consent of the National Capital Planning Commission. No appropriation authorized in this paragraph shall be available for expenditure until a suitable agreement has been entered into between the National Capital Planning Commission and the appropriate local authority as to sewage disposal and storm-water flow.

Sec. 2. Whenever it becomes necessary to acquire by condemnation proceedings any lands in the States of Virginia or Maryland for the purpose of carrying out the provisions of this Act, such acquisition shall be under and in accordance with the provisions of the Act of August 1, 1888 (U.S.C., p. 1302, sec. 257). No payment shall be made for any such lands until the title thereto in the United States shall be satisfactory to the Attorney General of the United States.

Sec. 3. Whenever the use of the Forts Washington, Foote, and Hunt, or either of them, is no longer deemed necessary for military purposes they shall be turned over to the Director of Public Buildings and Public Parks of the National Capital, without cost, for administration and maintenance as a part of the said George Washington Memorial Parkway.

Sec. 4. There is hereby further authorized to be appropriated the sum of \$16,000,000, or so much thereof as may be necessary, out of any money in the Treasury of the United States not otherwise appropriated, for the acquiring of such lands in the District of Columbia as are necessary and desirable for the suitable development of the National Capital park, parkway, and playground system, in accordance with the provisions of the said Act of June 6, 1924, as amended, except as in this section otherwise provided. Such funds shall be appropriated for the fiscal year 1931 and thereafter as required for the expeditious, economical, and efficient accomplishment of the purposes of this Act and shall be reimbursed to the United States from any funds in the Treasury to the credit of the District of Columbia as follows, to wit: \$1,000,000 on the 30th day of June, 1931; and \$1,000,000 on the 30 day of June each year thereafter until the full amount expended hereunder is reimbursed without interest.

The National Capital Park and Planning Commission shall, before purchasing any lands hereunder for playground, recreation center, community center, and similar municipal purposes, request from the Commissioners of the District of Columbia a report thereon. Said commission is authorized to accept the donation to the United States of any lands deemed desirable for inclusion in said park, parkway, and playground system, and the donation of any funds for the acquisition of such lands under this act.

Sec. 5. The right of Congress to alter or amend this Act is hereby reserved.

Sec. 6. Section 4 of Public Act 297 of the Seventieth Congress, entitled "An Act authorizing the Great Falls Bridge Company, its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near Great Falls," approved April 21, 1928, as amended, is hereby amended by adding at the end of said section the following:

"Provided, That after the George Washington Memorial Parkway is established and the lands necessary for such parkway at and near Great Falls have been acquired by the United States, the United States may at any time acquire and take over all right, title, and interest in such bridge, its approaches and approach roads, and any interest in real property necessary therefore, by purchase or by condemnation, paying therefor not more than the cost of said bridge and its approaches and approach roads, as determined by the Secretary of War under section 6 of this Act plus 10 per centum."