

Calendar No. 808

110TH CONGRESS
2D SESSION

H. R. 189

[Report No. 110-376]

IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 2007

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

JUNE 16, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACTTo establish the Paterson Great Falls National Historical
Park in the State of New Jersey 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 “Paterson Great Falls
5 National Historical Park Act of 2007”.6 **SEC. 2. FINDINGS AND PURPOSES.**7 (a) **FINDINGS.**—Congress finds the following:

1 (1) The Great Falls Historic District in
2 Paterson, New Jersey, is the site that Alexander
3 Hamilton selected to implement his vision of Amer-
4 ican economic independence and transform a rural
5 agrarian society based on slavery into a global econ-
6 omy based on freedom.

1 and architectural works that span the entire period
2 of America's growth into an industrial power.

3 (b) PURPOSES.—The purposes of this Act are—

4 (1) to establish a unit of the National Park
5 System in Paterson, New Jersey, consisting of the
6 Great Falls Historic District; and

7 (2) to foster activities among Federal, State,
8 and local governments, non-profit organizations, and
9 private donors to preserve, enhance, interpret, and
10 promote the cultural sites, historic structures, and
11 natural beauty of the Great Falls Historic District
12 for the benefit of present and future generations.

13 **SEC. 3. DEFINITIONS.**

14 For the purposes of this Act, the following definitions
15 apply:

16 (1) PARK.—The term “park” means the
17 Paterson Great Falls National Historical Park es-
18 tablished in section 4.

19 (2) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 (3) COMMISSION.—The term “Commission”
22 means the Paterson Great Falls National Historical
23 Park Commission established in section 7.

1 **SEC. 4. PATERSON GREAT FALLS NATIONAL HISTORICAL**
2 **PARK.**

3 (a) **ESTABLISHMENT.**—In order to preserve and in-
4 terpret for the benefit of present and future generations
5 certain historical, cultural, and natural resources associ-
6 ated with the Great Falls National Historic District, there
7 is established in the city of Paterson in the county of Pas-
8 saic in the State of New Jersey the Paterson Great Falls
9 National Historical Park as a unit of the National Park
10 System.

11 (b) **BOUNDARIES.**—The park shall consist of approxi-
12 mately 109 acres as generally depicted on the map titled
13 “Paterson Great Falls National Historical Park—Pro-
14 posed Boundary”, numbered T03/80,000, and dated June
15 2007. The map shall be on file and available for public
16 inspection in the appropriate offices of the National Park
17 Service and the city of Paterson.

18 **SEC. 5. ADMINISTRATION.**

19 (a) **IN GENERAL.**—The park shall be administered by
20 the Secretary in accordance with this Act and the provi-
21 sions of law generally applicable to units of the National
22 Park System, including the Act of August 25, 1916 (16
23 U.S.C. 1-4) and the Act of August 21, 1935 (16 U.S.C.
24 461-467).

25 (b) **STATE AND LOCAL JURISDICTION.**—Nothing in
26 this section shall be construed to diminish, enlarge, or

1 modify any right of the State of New Jersey or any polit-
2 ical subdivision thereof, to exercise civil and criminal juris-
3 diction or to carry out State laws, rules, and regulations
4 within the park.

5 (e) COOPERATIVE AGREEMENTS.—

6 (1) IN GENERAL.—In furtherance of the pur-
7 poses of this Act, the Secretary is authorized, after
8 consultation with the Commission, to enter into co-
9 operative agreements with the owners of properties
10 of natural, historical, or cultural significance within
11 the park, pursuant to which agreements the Sec-
12 retary may mark, interpret, restore, and provide
13 technical assistance for the preservation of such
14 properties and pursuant to which the Secretary may
15 provide assistance, including management services
16 and program implementation.

17 (2) RIGHT OF ACCESS.—Each cooperative
18 agreement shall provide that the Secretary, through
19 the National Park Service, shall have the right of
20 access at all reasonable times to all public portions
21 of the property covered by the agreement for the
22 purpose of conducting visitors through such prop-
23 erties and interpreting them to the public.

24 (3) ALTERATION OF PROPERTIES.—Each coop-
25 erative agreement shall provide that no changes or

1 alterations shall be made in the property covered by
2 the agreement except by mutual agreement between
3 the Secretary and the other party to the agreement.

4 (d) USE OF FEDERAL FUNDS.—

5 (1) CONVERSION, USE, OR DISPOSAL OF
6 PROJECTS.—Any payment made by the Secretary
7 pursuant to a cooperative agreement under this sec-
8 tion shall be subject to an agreement that conver-
9 sion, use, or disposal of a project so assisted for pur-
10 poses contrary to the purposes of this Act, as deter-
11 mined by the Secretary, shall result in the right of
12 the United States to reimbursement of all funds
13 made available to the project or the portion of the
14 increased value of the project attributable to such
15 funds as determined at the time of such conversion,
16 use, or disposal, whichever is greater.

17 (2) MATCHING FUNDS.—As a condition of ex-
18 pending any funds appropriated to the Secretary for
19 the purposes of cooperative agreements under this
20 section, the Secretary shall require that such ex-
21 penditure must be matched by expenditure of an
22 equal amount of funds provided by non-Federal
23 sources.

24 (3) DONATIONS.—With the approval of the Sec-
25 retary, any donation of property, goods, or services

1 from a non-Federal source may be considered as a
2 contribution of funds from a non-federal source for
3 purposes of this section.

4 SEC. 6. GENERAL MANAGEMENT PLAN.

5 Not later than 3 complete fiscal years after the date
6 funds are made available for this purpose, the Secretary
7 shall prepare, in consultation with the Commission, and
8 transmit to the Committee on Natural Resources of the
9 House of Representatives and the Committee on Energy
10 and Natural Resources of the Senate a general manage-
11 ment plan for the park in accordance with the provisions
12 of section 12(b) of the Act of August 18, 1970 (16 U.S.C.
13 1a-7(b)), popularly known as the National Park System
14 General Authorities Act, and other applicable law.

15 SEC. 7. PATERSON GREAT FALLS NATIONAL HISTORICAL
16 PARK COMMISSION.

17 (a) ESTABLISHMENT.—There is hereby established
18 the Paterson Great Falls National Historical Park Com-
19 mission whose purpose shall be to assist and advise the
20 Secretary in the development and implementation of the
21 general management plan for the park.

22 (b) ~~MEMBERSHIP.~~

4 (B) 2 members shall be from nominees
5 submitted by the City Council of Paterson;

(C) 4 member shall be from nominees submitted by the Board of Chosen Freeholders of Passaic County, New Jersey; and

9 (D) 2 members shall be qualified to serve
10 on the Commission because of their familiarity
11 with national parks and historic preservation.

20 (4) **TERMS**—Terms of service are as follows:

(A) The term of office of the Chairperson and Vice Chairperson shall be one year.

(C) A member may serve after the expiration of his or her term until a successor has been appointed.

10 (e) COMPENSATION.—Members of the Commission
11 shall serve without pay, but while away from their homes
12 or regular places of business in the performance of services
13 for the Commission, members shall be allowed travel ex-
14 penses, including per diem in lieu of subsistence, in the
15 same manner as persons employed intermittently in the
16 Government service are allowed expenses under section
17 5703 of title 5, United States Code.

18 (d) MEETINGS.—The Commission shall meet at the
19 call of the Chairperson or a majority of its members.

20 (e) QUORUM.—A majority of the Commission shall
21 constitute a quorum.

22 (f) STAFF.—The Secretary shall provide the Commis-
23 sion with such staff and technical assistance as the Sec-
24 retary, after consultation with the Commission, considers
25 appropriate to enable the Commission to carry out its du-

1 ties. The Secretary may accept the services of personnel
2 detailed from the State of New Jersey, any political sub-
3 division of the State or any entity represented on the Com-
4 mission.

5 (g) EXEMPTION.—Section 14(b) of the Federal Advi-
6 sory Committee Act (5 U.S.C. App.) shall not apply to
7 the Commission.

8 (h) TERMINATION.—The Commission shall terminate
9 10 years after the date of the enactment of this Act.

10 **SEC. 8. ACQUISITION OF LAND.**

11 (a) GENERAL AUTHORITY.—The Secretary may ac-
12 quire land or interests in land within the boundaries of
13 the park from willing sellers only by donation, purchase
14 with donated or appropriated funds, or exchange.

15 (b) STATE PROPERTY.—Land or interests in land
16 owned by the State of New Jersey or any political subdivi-
17 sion of the State may be acquired only by donation.

18 **SEC. 9. HINCHLIFFE STADIUM.**

19 Not later than three years after the date of the enact-
20 ment of this Act, the Secretary shall complete a study re-
21 garding the preservation and interpretation of Hinchliffe
22 Stadium as listed on the National Register of Historic
23 Places. The study shall include an assessment of the po-
24 tential for listing as a National Historic Landmark as well

1 as options for maintaining the historic integrity of the sta-
2 dium.

3 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums
5 as may be necessary to carry out this Act.

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “Paterson Great Falls
8 National Historical Park Act of 2008”.*

9 **SEC. 2. DEFINITIONS.**

10 *In this Act:*

11 (1) *CITY.—The term “City” means the City of
12 Paterson, New Jersey.*

13 (2) *COMMISSION.—The term “Commission”
14 means the Paterson Great Falls National Historical
15 Park Advisory Commission established by section
16 6(a).*

17 (3) *HISTORIC DISTRICT.—The term “Historic
18 District” means the Great Falls Historic District in
19 the State.*

20 (4) *MANAGEMENT PLAN.—The term “manage-
21 ment plan” means the management plan for the Park
22 developed under section 5.*

23 (5) *MAP.—The term “Map” means the map enti-
24 tled “Paterson Great Falls National Historical Park—*

1 *Proposed Boundary", numbered T03/80,001, and*
2 *dated May 2008.*

3 (6) *PARK.—The term "Park" means the*
4 *Paterson Great Falls National Historical Park estab-*
5 *lished by section 3(a).*

6 (7) *SECRETARY.—The term "Secretary" means*
7 *the Secretary of the Interior.*

8 (8) *STATE.—The term "State" means the State*
9 *of New Jersey.*

10 **SEC. 3. PATERSON GREAT FALLS NATIONAL HISTORICAL**
11 **PARK.**

12 (a) *ESTABLISHMENT.—*

13 (1) *IN GENERAL.—Subject to paragraph (2),*
14 *there is established in the State a unit of the National*
15 *Park System to be known as the "Paterson Great*
16 *Falls National Historical Park".*

17 (2) *CONDITIONS FOR ESTABLISHMENT.—The*
18 *Park shall not be established until the date on which*
19 *the Secretary determines that—*

20 (A)(i) *the Secretary has acquired sufficient*
21 *land or an interest in land within the boundary*
22 *of the Park to constitute a manageable unit; or*

23 (ii) *the State or City, as appropriate, has*
24 *entered into a written agreement with the Sec-*
25 *retary to donate—*

17 (b) PURPOSE.—The purpose of the Park is to preserve
18 and interpret for the benefit of present and future genera-
19 tions certain historical, cultural, and natural resources as-
20 sociated with the Historic District.

(c) *BOUNDARIES.—The Park shall include the following sites, as generally depicted on the Map:*

23 (1) The upper, middle, and lower raceways.

24 (2) *Mary Ellen Kramer (Great Falls) Park and*
25 *adjacent land owned by the City.*

1 (3) *A portion of Upper Raceway Park, including*
2 *the Ivanhoe Wheelhouse and the Society for Estab-*
3 *lishing Useful Manufactures Gatehouse.*

4 (4) *Overlook Park and adjacent land, including*
5 *the Society for Establishing Useful Manufactures Hy-*
6 *droelectric Plant and Administration Building.*

7 (5) *The Allied Textile Printing site, including*
8 *the Colt Gun Mill ruins, Mallory Mill ruins, Waverly*
9 *Mill ruins, and Todd Mill ruins.*

10 (6) *The Rogers Locomotive Company Erecting*
11 *Shop, including the Paterson Museum.*

12 (7) *The Great Falls Visitor Center.*

13 (d) *AVAILABILITY OF MAP.—The Map shall be on file*
14 *and available for public inspection in the appropriate of-*
15 *fices of the National Park Service.*

16 (e) *PUBLICATION OF NOTICE.—Not later than 60 days*
17 *after the date on which the conditions in subparagraphs*
18 *(A) and (B) of subsection (a)(2) are satisfied, the Secretary*
19 *shall publish in the Federal Register notice of the establish-*
20 *ment of the Park, including an official boundary map for*
21 *the Park.*

22 **SEC. 4. ADMINISTRATION.**

23 (a) *IN GENERAL.—The Secretary shall administer the*
24 *Park in accordance with—*

25 (1) *this Act; and*

7 (b) *STATE AND LOCAL JURISDICTION.*—Nothing in
8 this Act enlarges, diminishes, or modifies any authority of
9 the State, or any political subdivision of the State (includ-
10 ing the City)—

15 (c) COOPERATIVE AGREEMENTS.—

24 (2) *RIGHT OF ACCESS.*—A cooperative agreement
25 entered into under paragraph (1) shall provide that

1 *the Secretary, acting through the Director of the Na-*
2 *tional Park Service, shall have the right of access at*
3 *all reasonable times to all public portions of the prop-*
4 *erty covered by the agreement for the purposes of—*
5 *(A) conducting visitors through the prop-*
6 *erties; and*

7 *(B) interpreting the properties for the pub-*
8 *lic.*

9 *(3) CHANGES OR ALTERATIONS.—No changes or*
10 *alterations shall be made to any properties covered by*
11 *a cooperative agreement entered into under para-*
12 *graph (1) unless the Secretary and the other party to*
13 *the agreement agree to the changes or alterations.*

14 *(4) CONVERSION, USE, OR DISPOSAL.—Any pay-*
15 *ment made by the Secretary under this subsection*
16 *shall be subject to an agreement that the conversion,*
17 *use, or disposal of a project for purposes contrary to*
18 *the purposes of this Act, as determined by the Sec-*
19 *retary, shall entitle the United States to reimburse-*
20 *ment in amount equal to the greater of—*

21 *(A) the amounts made available to the*
22 *project by the United States; or*
23 *(B) the portion of the increased value of the*
24 *project attributable to the amounts made avail-*

1 able under this subsection, as determined at the
2 time of the conversion, use, or, disposal.

3 (5) *MATCHING FUNDS.*—

4 (A) *IN GENERAL.*—As a condition of the re-
5 ceipt of funds under this subsection, the Sec-
6 retary shall require that any Federal funds made
7 available under a cooperative agreement shall be
8 matched on a 1-to-1 basis by non-Federal funds.

9 (B) *FORM.*—With the approval of the Sec-
10 retary, the non-Federal share required under
11 subparagraph (A) may be in the form of donated
12 property, goods, or services from a non-Federal
13 source.

14 (d) *ACQUISITION OF LAND.*—

15 (1) *IN GENERAL.*—The Secretary may acquire
16 land or interests in land within the boundary of the
17 Park by donation, purchase from a willing seller with
18 donated or appropriated funds, or exchange.

19 (2) *DONATION OF STATE OWNED LAND.*—Land
20 or interests in land owned by the State or any polit-
21 ical subdivision of the State may only be acquired by
22 donation.

23 (e) *TECHNICAL ASSISTANCE AND PUBLIC INTERPRE-*
24 *TATION.*—The Secretary may provide technical assistance

1 and public interpretation of related historic and cultural
2 resources within the boundary of the Historic District.

3 **SEC. 5. MANAGEMENT PLAN.**

4 (a) *IN GENERAL.*—Not later than 3 fiscal years after
5 the date on which funds are made available to carry out
6 this section, the Secretary, in consultation with the Com-
7 mission, shall complete a management plan for the Park
8 in accordance with—

9 (1) section 12(b) of Public Law 91-383 (com-
10 monly known as the “National Park Service General
11 Authorities Act”) (16 U.S.C. 1a-7(b)); and

12 (2) other applicable laws.

13 (b) *COST SHARE.*—The management plan shall in-
14 clude provisions that identify costs to be shared by the Fed-
15 eral Government, the State, and the City, and other public
16 or private entities or individuals for necessary capital im-
17 provements to, and maintenance and operations of, the
18 Park.

19 (c) *SUBMISSION TO CONGRESS.*—On completion of the
20 management plan, the Secretary shall submit the manage-
21 ment plan to—

22 (1) the Committee on Energy and Natural Re-
23 sources of the Senate; and

24 (2) the Committee on Natural Resources of the
25 House of Representatives.

1 **SEC. 6. PATERSON GREAT FALLS NATIONAL HISTORICAL**2 **PARK ADVISORY COMMISSION.**

3 (a) *ESTABLISHMENT.*—*There is established a commis-*
4 *sion to be known as the “Paterson Great Falls National*
5 *Historical Park Advisory Commission”.*

6 (b) *DUTIES.*—*The duties of the Commission shall be*
7 *to advise the Secretary in the development and implementa-*
8 *tion of the management plan.*

9 (c) *MEMBERSHIP.*—

10 (1) *COMPOSITION.*—*The Commission shall be*
11 *composed of 9 members, to be appointed by the Sec-*
12 *retary, of whom—*

13 (A) *4 members shall be appointed after con-*
14 *sideration of recommendations submitted by the*
15 *Governor of the State;*

16 (B) *2 members shall be after consideration*
17 *of recommendations submitted by the City Coun-*
18 *cil of Paterson, New Jersey;*

19 (C) *1 member shall be after consideration of*
20 *recommendations submitted by the Board of Cho-*
21 *sen Freeholders of Passaic County, New Jersey;*
22 *and*

23 (D) *2 members shall have experience with*
24 *national parks and historic preservation.*

10 (d) *TERM; VACANCIES.*—

11 (1) TERM.—

(B) *REAPPOINTMENT*.—A member may be reappointed for not more than 1 additional term.

20 (e) *MEETINGS.*—*The Commission shall meet at the call*
21 *of—*

22 (1) the Chairperson; or

1 (f) *QUORUM.*—A majority of the Commission shall
2 constitute a quorum.

3 (g) *CHAIRPERSON AND VICE CHAIRPERSON.*—

4 (1) *IN GENERAL.*—The Commission shall select a
5 Chairperson and Vice Chairperson from among the
6 members of the Commission.

7 (2) *VICE CHAIRPERSON.*—The Vice Chairperson
8 shall serve as Chairperson in the absence of the Chair-
9 person.

10 (3) *TERM.*—A member may serve as Chairperson
11 or Vice Chairman for not more than 1 year in each
12 office.

13 (h) *COMMISSION PERSONNEL MATTERS.*—

14 (1) *COMPENSATION OF MEMBERS.*—

15 (A) *IN GENERAL.*—Members of the Commis-
16 sion shall serve without compensation.

17 (B) *TRAVEL EXPENSES.*—Members of the
18 Commission shall be allowed travel expenses, in-
19 cluding per diem in lieu of subsistence, at rates
20 authorized for an employee of an agency under
21 subchapter I of chapter 57 of title 5, United
22 States Code, while away from the home or reg-
23 ular place of business of the member in the per-
24 formance of the duties of the Commission.

25 (2) *STAFF.*—

10 (i) the State;

11 (ii) any political subdivision of the

12 State; or

13 (iii) any entity represented on the

14 Commission.

15 (i) *FACA NONAPPLICABILITY.*—Section 14(b) of the
16 *Federal Advisory Committee Act* (5 U.S.C. App.) shall not
17 apply to the Commission.

18 (j) *TERMINATION.—The Commission shall terminate*
19 *10 years after the date of enactment of this Act.*

20 SEC. 7. STUDY OF HINCHLIFFE STADIUM.

21 (a) *IN GENERAL.*—Not later than 3 fiscal years after
22 the date on which funds are made available to carry out
23 this Act, the Secretary shall complete a study regarding the
24 preservation and interpretation of Hinchliffe Stadium,
25 which is listed on the National Register of Historic Places.

1 (b) *INCLUSIONS.*—*The study shall include an assess-*
2 *ment of—*

3 (1) *the potential for listing the stadium as a Na-*
4 *tional Historic Landmark; and*
5 (2) *options for maintaining the historic integrity*
6 *of Hinchliffe Stadium.*

7 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

8 *There are authorized to be appropriated such sums as*
9 *are necessary to carry out this Act.*

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To establish the Patterson Great Falls National Historical Park in the State of New Jersey and for other purposes.

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