

110TH CONGRESS
1ST SESSION

S. 148

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

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mr. LAUTENBERG (for himself and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Paterson Great Falls National 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 Park Act of 2007”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The Great Falls Historic District in
9 Paterson, New Jersey is the site Alexander Ham-
10 ilton selected to implement his vision of American

1 economic independence and transform a rural agrar-
2 ian society based on slavery into a global economy
3 based on freedom.

4 (2) President Ford announced the designation
5 of the Historic District as a National Historic Land-
6 mark in 1976 and declared it “a symbol of the in-
7 dustrial might which helps to make America the
8 most powerful nation in the world”.

9 (3) The Historic District was established as a
10 National Historic District in 1996.

11 (4) Exceptional natural and cultural resources
12 make the Historic District America’s only National
13 Historic District that contains both a National His-
14 toric Landmark and a National Natural Resource.

15 (5) The Historic District embodies Hamilton’s
16 vision of an American economy based on—

17 (A) diverse industries to avoid excessive re-
18 liance on any single manufactured product;

19 (B) innovative engineering and technology,
20 including the successful use of water, a renew-
21 able energy source, to power industry and man-
22 ufacturing;

23 (C) industrial production of goods not only
24 for domestic consumption but also for inter-
25 national trade; and

1 (D) meritocracy and opportunities for all.

12 (8) Congress and the National Park Service
13 recognized the national significance of the Historic
14 District through listing on the National Register of
15 Historic Places and designation as a National His-
16 toric Landmark and a National Historic District.

19 (A) the national park will promote themes
20 not adequately represented in National Park
21 System, including aspects of African-American
22 history and the inspiration Great Falls has been
23 for renowned American writers and artists;

24 (B) the national park will promote civic en-
25 gagement by attracting and engaging people

1 who currently feel little or no connection to Na-
2 tional Parks or the founding fathers;

3 (C) the national park will interpret Amer-
4 ica's developing history in the historical and
5 global context; and

6 (D) the national park will foster partner-
7 ships among federal, state and local govern-
8 ments and private donors and non-profit orga-
9 nizations.

10 (10) The Historic District is a physically and
11 fiscally feasible site for a national park because—

12 (A) all of the required natural and cultural
13 resources are on property largely owned by local
14 government entities;

15 (B) it is of a manageable size; and

16 (C) much of the funding will come from
17 private donors and the State of New Jersey,
18 which has committed substantial sums of money
19 to fund a state park that will assist in the fund-
20 ing of the national park.

21 (11) The national park provides enormous po-
22 tential for public use because its location and urban
23 setting make it easily accessible for millions of
24 Americans.

1 (12) The historic Hinchliffe stadium, adjacent
2 to the Historic District, was home to the New York
3 Black Yankees for many years, including 1933 when
4 it hosted the Colored Championship of the Nation,
5 and it was added to the National Register of His-
6 toric Places by the National Park Service in 2004.

12 (14) A National Park Service unit, in partner-
13 ship with private donors and state and local govern-
14 ments, represents the most effective and efficient
15 method of preserving the Historic District for the
16 public.

17 (15) A National Park Service unit in Paterson
18 is necessary to give the Historic District the con-
19 tinuity and professionalism required to attract pri-
20 vate donors from across the country.

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

13 SEC. 3. DEFINITIONS.

14 In this Act:

20 (2) NATIONAL PARK.—The term "national
21 park" means the Paterson Great Falls National
22 Park established by section 4.

11 SEC. 4. PATERSON GREAT FALLS NATIONAL PARK.

12 (a) ESTABLISHMENT.—There is established in
13 Paterson, New Jersey, the Paterson Great Falls National
14 Park as a unit of the National Park System.

15 (b) BOUNDARIES.—The boundaries of the national
16 park shall be—

17 (1) the Historic District as listed on the Na-
18 tional Register of Historic Places; and

19 (2) the historic Hinchliffe Stadium as listed on
20 the National Register of Historic Places

21 SEC. 5. ADMINISTRATION.

22 (a) IN GENERAL.—The national park shall be admin-
23 istered in partnership by the Secretary, the State of New
24 Jersey, City of Paterson and its applicable subdivisions,
25 and others in accordance with the provisions of law gen-

1 generally applicable to units of the National Park System (in-
2 cluding the Act of August 25, 1916 (16 U.S.C. 1 et seq.)
3 and the Act of August 21, 1935 (16 U.S.C. 461 et seq.)),
4 and in accordance with the management plan.

5 (b) STATE AND LOCAL JURISDICTION.—Nothing in
6 this section shall be construed to diminish, enlarge, or
7 modify any right of the State of New Jersey or any polit-
8 ical subdivision thereof to exercise civil and criminal juris-
9 diction or to carry out State laws, rules, and regulations
10 within the national park.

11 (c) COOPERATIVE AGREEMENTS.—

12 (1) The Secretary may consult and enter into
13 cooperative agreements with the State of New Jersey
14 or its political subdivisions to acquire from and pro-
15 vide to the State or its political subdivisions goods
16 and services to be used in the cooperative manage-
17 ment of lands within the national park, if the Sec-
18 retary determines that appropriations for that pur-
19 pose are available and the agreement is in the best
20 interest of the United States.

21 (2) The Secretary, after consultation with the
22 Partnership, may enter into cooperative agreements
23 with owners of property of nationally significant his-
24 toric or other cultural resources within the national
25 park in order to provide for interpretive exhibits or

1 programs. Such agreements shall provide, whenever
2 appropriate, that—

3 (A) the public may have access to such
4 property at specified, reasonable times for pur-
5 poses of viewing property or exhibits or attend-
6 ing programs established by the Secretary
7 under this subsection; and

8 (B) no changes or alterations shall be
9 made in the properties, except by mutual agree-
10 ments between the Secretary and the other par-
11 ties to the agreements.

12 (d) CONSTRUCTION OF FACILITIES ON NON-FED-
13 ERAL LANDS.—In order to facilitate the administration of
14 the national park, the Secretary is authorized, subject to
15 the availability of appropriated funds, to construct essen-
16 tial administrative or visitor use facilities on non-Federal
17 public lands within the national park. Such facilities and
18 the use thereof shall be in conformance with applicable
19 plans.

20 (e) OTHER PROPERTY, FUNDS, AND SERVICES.—The
21 Secretary may accept and use donated funds, property,
22 and services to carry out this section.

23 (f) MANAGEMENT IN ACCORDANCE WITH INTE-
24 GRATED MANAGEMENT PLAN.—The Secretary shall pre-
25 serve, interpret, manage, and provide educational and rec-

1 reational uses for the national park, in consultation with
2 the owners and managers of lands in the national park,
3 in accordance with the management plan.

4 **SEC. 6. INTEGRATED RESOURCE MANAGEMENT PLAN.**

5 (a) IN GENERAL.—Not later than 3 years after the
6 date of the enactment of this Act, the Partnership shall
7 submit to the Secretary a management plan for the na-
8 tional park to be developed and implemented by the Part-
9 nership.

10 (b) CONTENTS.—The management plan shall include,
11 at a minimum, each of the following:

12 (1) A program providing for coordinated admin-
13 istration of the national park with proposed assign-
14 ment of responsibilities to the appropriate govern-
15 mental unit at the Federal, State, and local levels,
16 and nonprofit organizations, including each of the
17 following:

18 (A) A plan to finance and support the pub-
19 lic improvements and services recommended in
20 the management plan, including allocation of
21 non-Federal matching requirements and a de-
22 lineation of profit sector roles and responsibil-
23 ities.

24 (B) A program for the coordination and
25 consolidation, to the extent feasible, of activities

1 that may be carried out by Federal, State, and
2 local agencies having jurisdiction over land
3 within the national park, including planning
4 and regulatory responsibilities.

5 (2) Policies and programs for the following pur-
6 poses:

7 (A) Enhancing public recreational and cul-
8 tural opportunities in the national park.

9 (B) Conserving, protecting, and maintain-
10 ing the scenic, historical, cultural, and natural
11 values of the national park.

12 (C) Developing educational opportunities
13 in the national park.

14 (D) Enhancing public access to the na-
15 tional park, including development of transpor-
16 tation networks.

17 (E) Identifying potential sources of rev-
18 enue from programs or activities carried out
19 within the national park.

20 (F) Protecting and preserving sites with
21 historical, cultural, natural, Native American
22 and African American significance.

23 (3) A policy statement that recognizes existing
24 economic activities within the national park.

1 (c) CONSULTATION AND PUBLIC HEARINGS.—In de-
2 veloping the management plan, the Partnership shall:

3 (1) Consult on a regular basis with appropriate
4 officials of any local government or Federal or State
5 agency which has jurisdiction over lands within the
6 national park.

7 (2) Consult with interested conservation, busi-
8 ness, professional, and citizen organizations.

9 (3) Conduct public hearings or meetings for the
10 purposes of providing interested persons with the op-
11 portunity to testify with respect to matters to be ad-
12 dressed by the management plan.

13 (d) APPROVAL OF THE MANAGEMENT PLAN.—

14 (1) IN GENERAL.—The Partnership shall sub-
15 mit the management plan to the Governor of New
16 Jersey for review. The Governor shall have 90 days
17 to review and make any recommendations regarding
18 the management plan. After considering the Gov-
19 ernor's recommendations, if any, the Partnership
20 shall submit the plan to the Secretary, who shall ap-
21 prove or disapprove the plan not later than 90 days
22 after receiving the management plan from the Part-
23 nership. In reviewing the management plan, the Sec-
24 retary shall consider each of the following:

25 (A) The adequacy of public participation.

1 (B) Assurances from State and local officials regarding implementation of the management plan.

4 (C) The adequacy of regulatory and financial tools that are in place to implement the management plan.

22 (e) Prior to adoption of the Partnership's plan, the
23 Secretary and the Partnership shall assist the owners and
24 managers of lands within the national park to ensure that

1 existing programs, services, and activities that promote
2 the purposes of this section are supported.

3 **SEC. 7. PATERSON GREAT FALLS NATIONAL PARK PART-**
4 **NERSHIP.**

5 (a) **ESTABLISHMENT.**—There is hereby established
6 the Paterson Great Falls National Historical Park Part-
7 nership whose purpose shall be to coordinate the activities
8 of Federal, State, and local authorities and the private
9 sector in the development and implementation of the man-
10 agement plan.

11 (b) **MEMBERSHIP.**—

12 (1) **IN GENERAL.**—The Commission shall be
13 composed of 13 members appointed by the Sec-
14 retary, of whom—

15 (A) 4 members shall be appointed by the
16 Secretary from nominees submitted by the Gov-
17 ernor of the State of New Jersey;

18 (B) 2 members shall be appointed by the
19 Secretary from nominees submitted by the City
20 Council of Paterson;

21 (C) 2 members shall be appointed by the
22 Secretary from the Paterson Great Falls Na-
23 tional Park Advisory Board; and

24 (D) 1 member shall be appointed by the
25 Secretary from nominees submitted by the

1 Board of Chosen Freeholders of Passaic Coun-
2 ty, New Jersey.

3 (2) CHAIRPERSON; VICE CHAIRPERSON.—The
4 Partnership shall elect one of its members as Chair-
5 person and one as Vice Chairperson. The term of of-
6 fice of the Chairperson and Vice Chairperson shall
7 be one year. The Vice Chairperson shall serve as
8 chairperson in the absence of the Chairperson.

9 (3) VACANCIES.—A vacancy in the Partnership
10 shall be filled in the same manner in which the origi-
11 nal appointment was made.

12 (4) TERMS.—Terms of service—

13 (A) members of the Partnership shall serve
14 for terms of 3 years and may be reappointed
15 not more than once; and

16 (B) a member may serve after the expira-
17 tion of his or her term until a successor has
18 been appointed.

19 (5) DEADLINE.—The Secretary shall appoint
20 the first members of the Partnership within 30 days
21 after the date on which the Secretary has received
22 all of the recommendations for appointment pursu-
23 ant to subsection (b)(1).

24 (c) COMPENSATION.—Members of the Partnership
25 shall serve without pay, but while away from their homes

1 or regular places of business in the performance of services
2 for the Partnership, members shall be allowed travel ex-
3 penses, including per diem in lieu of subsistence, in the
4 same manner as persons employed intermittently in Fed-
5 eral Government service are allowed expenses under sec-
6 tion 5703 of title 5, United States Code.

7 (d) MEETINGS.—The Partnership shall meet at the
8 call of the Chairperson or a majority of its members.

9 (e) QUORUM.—A majority of the Partnership shall
10 constitute a quorum.

11 (f) STAFF.—The Secretary shall provide the Partner-
12 ship with such staff and technical assistance as the Sec-
13 retary, after consultation with the Partnership, considers
14 appropriate to enable the Partnership to carry out its du-
15 ties. The Secretary may accept the services of personnel
16 detailed from the State of New Jersey, any political sub-
17 division of the State, or any entity represented on the
18 Partnership.

19 (g) HEARINGS.—The Partnership may hold such
20 hearings, sit and act at such times and places, take such
21 testimony, and receive such evidence as the Partnership
22 may deem appropriate.

23 (h) DONATIONS.—Notwithstanding any other provi-
24 sion of law, the Partnership may seek and accept dona-
25 tions of funds, property, or services from individuals, foun-

1 dations, corporations, and other private and public entities
2 for the purpose of carrying out this section.

3 (i) USE OF FUNDS TO OBTAIN MONEY.—The Part-
4 nership may use its funds to obtain money from any
5 source under any program or law requiring the recipient
6 of such money to make a contribution in order to receive
7 such money.

8 (j) MAI LS.—The Partnership may use the United
9 States mails in the same manner and upon the same con-
10 ditions as other departments and agencies of the United
11 States.

12 (k) OBTAINING PROPERTY.—The Partnership may
13 obtain by purchase, rental, donation, or otherwise, such
14 property, facilities, and services as may be needed to carry
15 out its duties, except that the Partnership may not acquire
16 any real property or interest in real property.

17 (l) COOPERATIVE AGREEMENTS.—For purposes of
18 carrying out the management plan, the Partnership may
19 enter into cooperative agreements with the State of New
20 Jersey, any political subdivision thereof, or with any orga-
21 nization or person.

22 **SEC. 8. PATERSON GREAT FALLS NATIONAL PARK ADVI-**
23 **SORY COUNCIL.**

24 (a) ESTABLISHMENT.—The Secretary, acting
25 through the Director of the National Park Service, shall

1 establish an advisory committee to be known as the
2 Paterson Great Falls National Park Advisory Council.
3 The purpose of the Advisory Council shall be to represent
4 various groups with interests in the National Park and
5 make recommendations to the Partnership on issues re-
6 lated to the development and implementation of the man-
7 agement plan. The Advisory Council is encouraged to es-
8 tablish committees relating to specific National Park man-
9 agement issues, such as education, tourism, transpor-
10 tation, natural resources, cultural and historic resources,
11 and revenue raising activities. Participation on any such
12 committee shall not be limited to members of the Advisory
13 Council.

14 (b) MEMBERSHIP.—The Advisory Council shall con-
15 sist of not fewer than 15 individuals, to be appointed by
16 the Secretary, acting through the Director of the National
17 Park Service. The Secretary shall appoint no fewer than
18 3 individuals to represent each of the following categories
19 of entities:

20 (1) Municipalities.
21 (2) Educational and cultural institutions.
22 (3) Environmental organizations.
23 (4) Business and commercial entities, including
24 those related to transportation and tourism.

4 (c) PROCEDURES.—Each meeting of the Advisory
5 Council and its committees shall be open to the public.

6 (d) FACA.—The provisions of section 14 of the Fed-
7 eral Advisory Committee Act (5 U.S.C. App.) are hereby
8 waived with respect to the Advisory Council.

9 SEC. 9. FINANCIAL AND TECHNICAL ASSISTANCE.

10 The Secretary may provide to any owner of property
11 within the National Park containing nationally significant
12 historic or cultural resources, in accordance with coopera-
13 tive agreements or grant agreements, as appropriate, such
14 financial and technical assistance to mark, interpret, and
15 restore non-Federal properties within the National Park
16 as the Secretary determines appropriate to carry out the
17 purposes of this Act, provided that—

24 (2) no changes or alterations shall be made in
25 such properties except by mutual agreement between

1 the Secretary and the other parties to the agree-
2 ments.

3 **SEC. 10. ACQUISITION OF LAND.**

4 (a) **GENERAL AUTHORITY.**—The Secretary may ac-
5 quire land or interests in land within the boundaries of
6 the National Park by donation, purchase with donated or
7 appropriated funds, or exchange.

8 (b) **STATE PROPERTY.**—Property owned by the State
9 of New Jersey or any political subdivision of the State may
10 be acquired only by donation.

11 (c) **CONSENT.**—No lands or interests therein within
12 the boundaries of the park may be acquired without the
13 consent of the owner, unless the Secretary determines that
14 the land is being developed, or is proposed to be developed,
15 in a manner which is detrimental to the natural, scenic,
16 historic, and other values for which the park is established.

17 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) **IN GENERAL.**—There are authorized to be appro-
19 priated such sums as may be necessary to carry out this
20 section, provided that no funds may be appropriated for
21 land acquisition.

22 (b) **MATCHING REQUIREMENT.**—Amounts appro-
23 priated in any fiscal year to carry out this section may
24 only be expended on a matching basis in a ration of at
25 least 3 non-Federal dollars to every Federal dollar. The

- 1 non-Federal share of the match may be in the form of
- 2 cash, services, or in-kind contributions, fairly valued.

○