

111TH CONGRESS
1ST SESSION

S. 159

To establish the Paterson Great Falls National Historical Park, and for
other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

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 Historical
Park, 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”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) CITY.—The term “City” means the City of
9 Paterson, New Jersey.

1 (2) COMMISSION.—The term “Commission”
 2 means the Paterson Great Falls National Historical
 3 Park Advisory Commission established by section
 4 6(a).

5 (3) HISTORIC DISTRICT.—The term “Historic
 6 District” means the Great Falls Historic District in
 7 the State.

8 (4) MANAGEMENT PLAN.—The term “manage-
 9 ment plan” means the management plan for the
 10 Park developed under section 5.

11 (5) MAP.—The term “Map” means the map en-
 12 titled “Paterson Great Falls National Historical
 13 Park-Proposed Boundary”, numbered T03/80,001,
 14 and dated May 2008.

15 (6) PARK.—The term “Park” means the
 16 Paterson Great Falls National Historical Park es-
 17 tablished by section 3(a).

18 (7) SECRETARY.—The term “Secretary” means
 19 the Secretary of the Interior.

20 (8) STATE.—The term “State” means the State
 21 of New Jersey.

22 **SEC. 3. PATERSON GREAT FALLS NATIONAL HISTORICAL**
 23 **PARK.**

24 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—Subject to paragraph (2),
 2 there is established in the State a unit of the Na-
 3 tional Park System to be known as the “Paterson
 4 Great Falls National Historical Park”.

5 (2) CONDITIONS FOR ESTABLISHMENT.—The
 6 Park shall not be established until the date on which
 7 the Secretary determines that—

8 (A)(i) the Secretary has acquired sufficient
 9 land or an interest in land within the boundary
 10 of the Park to constitute a manageable unit; or

11 (ii) the State or City, as appropriate, has
 12 entered into a written agreement with the Sec-
 13 retary to donate—

14 (I) the Great Falls State Park, includ-
 15 ing facilities for Park administration and
 16 visitor services; or

17 (II) any portion of the Great Falls
 18 State Park agreed to between the Sec-
 19 retary and the State or City; and

20 (B) the Secretary has entered into a writ-
 21 ten agreement with the State, City, or other
 22 public entity, as appropriate, providing that—

23 (i) land owned by the State, City, or
 24 other public entity within the Historic Dis-

1 trict will be managed consistent with this
2 Act; and

3 (ii) future uses of land within the His-
4 toric District will be compatible with the
5 designation of the Park.

6 (b) PURPOSE.—The purpose of the Park is to pre-
7 serve and interpret for the benefit of present and future
8 generations certain historical, cultural, and natural re-
9 sources associated with the Historic District.

10 (c) BOUNDARIES.—The Park shall include the fol-
11 lowing sites, as generally depicted on the Map:

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

13 (2) Mary Ellen Kramer (Great Falls) Park and
14 adjacent land owned by the City.

15 (3) A portion of Upper Raceway Park, includ-
16 ing the Ivanhoe Wheelhouse and the Society for Es-
17 tablishing Useful Manufactures Gatehouse.

18 (4) Overlook Park and adjacent land, including
19 the Society for Establishing Useful Manufactures
20 Hydroelectric Plant and Administration Building.

21 (5) The Allied Textile Printing site, including
22 the Colt Gun Mill ruins, Mallory Mill ruins, Waverly
23 Mill ruins, and Todd Mill ruins.

24 (6) The Rogers Locomotive Company Erecting
25 Shop, including the Paterson Museum.

1 (7) The Great Falls Visitor Center.

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

5 (e) PUBLICATION OF NOTICE.—Not later than 60
6 days after the date on which the conditions in subpara-
7 graphs (A) and (B) of subsection (a)(2) are satisfied, the
8 Secretary shall publish in the Federal Register notice of
9 the establishment of the Park, including an official bound-
10 ary map for the Park.

11 **SEC. 4. ADMINISTRATION.**

12 (a) IN GENERAL.—The Secretary shall administer
13 the Park in accordance with—

14 (1) this Act; and

15 (2) the laws generally applicable to units of the
16 National Park System, including—

17 (A) the National Park Service Organic Act
18 (16 U.S.C. 1 et seq.); and

19 (B) the Act of August 21, 1935 (16 U.S.C.
20 461 et seq.).

21 (b) STATE AND LOCAL JURISDICTION.—Nothing in
22 this Act enlarges, diminishes, or modifies any authority
23 of the State, or any political subdivision of the State (in-
24 cluding the City)—

25 (1) to exercise civil and criminal jurisdiction; or

1 (2) to carry out State laws (including regula-
 2 tions) and rules on non-Federal land located within
 3 the boundary of the Park.

4 (c) COOPERATIVE AGREEMENTS.—

5 (1) IN GENERAL.—As the Secretary determines
 6 to be appropriate to carry out this Act, the Sec-
 7 retary may enter into cooperative agreements with
 8 the owner of the Great Falls Visitor Center or any
 9 nationally significant properties within the boundary
 10 of the Park under which the Secretary may identify,
 11 interpret, restore, and provide technical assistance
 12 for the preservation of the properties.

13 (2) RIGHT OF ACCESS.—A cooperative agree-
 14 ment entered into under paragraph (1) shall provide
 15 that the Secretary, acting through the Director of
 16 the National Park Service, shall have the right of
 17 access at all reasonable times to all public portions
 18 of the property covered by the agreement for the
 19 purposes of—

20 (A) conducting visitors through the prop-
 21 erties; and

22 (B) interpreting the properties for the pub-
 23 lic.

24 (3) CHANGES OR ALTERATIONS.—No changes
 25 or alterations shall be made to any properties cov-

1 ered by a cooperative agreement entered into under
2 paragraph (1) unless the Secretary and the other
3 party to the agreement agree to the changes or al-
4 terations.

5 (4) CONVERSION, USE, OR DISPOSAL.—Any
6 payment made by the Secretary under this sub-
7 section shall be subject to an agreement that the
8 conversion, use, or disposal of a project for purposes
9 contrary to the purposes of this Act, as determined
10 by the Secretary, shall entitle the United States to
11 reimbursement in amount equal to the greater of—

12 (A) the amounts made available to the
13 project by the United States; or

14 (B) the portion of the increased value of
15 the project attributable to the amounts made
16 available under this subsection, as determined
17 at the time of the conversion, use, or, disposal.

18 (5) MATCHING FUNDS.—

19 (A) IN GENERAL.—As a condition of the
20 receipt of funds under this subsection, the Sec-
21 retary shall require that any Federal funds
22 made available under a cooperative agreement
23 shall be matched on a 1-to-1 basis by non-Fed-
24 eral funds.

1 (B) FORM.—With the approval of the Sec-
 2 retary, the non-Federal share required under
 3 subparagraph (A) may be in the form of do-
 4 nated property, goods, or services from a non-
 5 Federal source.

6 (d) ACQUISITION OF LAND.—

7 (1) IN GENERAL.—The Secretary may acquire
 8 land or interests in land within the boundary of the
 9 Park by donation, purchase from a willing seller
 10 with donated or appropriated funds, or exchange.

11 (2) DONATION OF STATE OWNED LAND.—Land
 12 or interests in land owned by the State or any polit-
 13 ical subdivision of the State may only be acquired by
 14 donation.

15 (e) TECHNICAL ASSISTANCE AND PUBLIC INTERPRE-
 16 TATION.—The Secretary may provide technical assistance
 17 and public interpretation of related historic and cultural
 18 resources within the boundary of the Historic District.

19 **SEC. 5. MANAGEMENT PLAN.**

20 (a) IN GENERAL.—Not later than 3 fiscal years after
 21 the date on which funds are made available to carry out
 22 this section, the Secretary, in consultation with the Com-
 23 mission, shall complete a management plan for the Park
 24 in accordance with—

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

4 (2) other applicable laws.

5 (b) COST SHARE.—The management plan shall in-
 6 clude provisions that identify costs to be shared by the
 7 Federal Government, the State, and the City, and other
 8 public or private entities or individuals for necessary cap-
 9 ital improvements to, and maintenance and operations of,
 10 the Park.

11 (c) SUBMISSION TO CONGRESS.—On completion of
 12 the management plan, the Secretary shall submit the man-
 13 agement plan to—

14 (1) the Committee on Energy and Natural Re-
 15 sources of the Senate; and

16 (2) the Committee on Natural Resources of the
 17 House of Representatives.

18 **SEC. 6. PATERSON GREAT FALLS NATIONAL HISTORICAL**
 19 **PARK ADVISORY COMMISSION.**

20 (a) ESTABLISHMENT.—There is established a com-
 21 mission to be known as the “Paterson Great Falls Na-
 22 tional Historical Park Advisory Commission”.

23 (b) DUTIES.—The duties of the Commission shall be
 24 to advise the Secretary in the development and implemen-
 25 tation of the management plan.

1 (c) MEMBERSHIP.—

2 (1) COMPOSITION.—The Commission shall be
3 composed of 9 members, to be appointed by the Sec-
4 retary, of whom—

5 (A) 4 members shall be appointed after
6 consideration of recommendations submitted by
7 the Governor of the State;

8 (B) 2 members shall be after consideration
9 of recommendations submitted by the City
10 Council of Paterson, New Jersey;

11 (C) 1 member shall be after consideration
12 of recommendations submitted by the Board of
13 Chosen Freeholders of Passaic County, New
14 Jersey; and

15 (D) 2 members shall have experience with
16 national parks and historic preservation.

17 (2) INITIAL APPOINTMENTS.—The Secretary
18 shall appoint the initial members of the Commission
19 not later than the earlier of—

20 (A) the date that is 30 days after the date
21 on which the Secretary has received all of the
22 recommendations for appointments under para-
23 graph (1); or

24 (B) the date that is 30 days after the Park
25 is established in accordance with section 3.

1 (d) TERM; VACANCIES.—

2 (1) TERM.—

3 (A) IN GENERAL.—A member shall be ap-
4 pointed for a term of 3 years.

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

8 (2) VACANCIES.—A vacancy on the Commission
9 shall be filled in the same manner as the original ap-
10 pointment was made.

11 (e) MEETINGS.—The Commission shall meet at the
12 call of—

13 (1) the Chairperson; or

14 (2) a majority of the members of the Commis-
15 sion.

16 (f) QUORUM.—A majority of the Commission shall
17 constitute a quorum.

18 (g) CHAIRPERSON AND VICE CHAIRPERSON.—

19 (1) IN GENERAL.—The Commission shall select
20 a Chairperson and Vice Chairperson from among the
21 members of the Commission.

22 (2) VICE CHAIRPERSON.—The Vice Chairperson
23 shall serve as Chairperson in the absence of the
24 Chairperson.

1 (3) TERM.—A member may serve as Chair-
 2 person or Vice Chairman for not more than 1 year
 3 in each office.

4 (h) COMMISSION PERSONNEL MATTERS.—

5 (1) COMPENSATION OF MEMBERS.—

6 (A) IN GENERAL.—Members of the Com-
 7 mission shall serve without compensation.

8 (B) TRAVEL EXPENSES.—Members of the
 9 Commission shall be allowed travel expenses, in-
 10 cluding per diem in lieu of subsistence, at rates
 11 authorized for an employee of an agency under
 12 subchapter I of chapter 57 of title 5, United
 13 States Code, while away from the home or reg-
 14 ular place of business of the member in the per-
 15 formance of the duties of the Commission.

16 (2) STAFF.—

17 (A) IN GENERAL.—The Secretary shall
 18 provide the Commission with any staff members
 19 and technical assistance that the Secretary,
 20 after consultation with the Commission, deter-
 21 mines to be appropriate to enable the Commis-
 22 sion to carry out the duties of the Commission.

23 (B) DETAIL OF EMPLOYEES.—The Sec-
 24 retary may accept the services of personnel de-
 25 tailed from—

- 1 (i) the State;
- 2 (ii) any political subdivision of the
- 3 State; or
- 4 (iii) any entity represented on the
- 5 Commission.

6 (i) FACA NONAPPLICABILITY.—Section 14(b) of the
7 Federal Advisory Committee Act (5 U.S.C. App.) shall not
8 apply to the Commission.

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

11 **SEC. 7. STUDY OF HINCHLIFFE STADIUM.**

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

17 (b) INCLUSIONS.—The study shall include an assess-
18 ment of—

19 (1) the potential for listing the stadium as a
20 National Historic Landmark; and

21 (2) options for maintaining the historic integ-
22 rity of Hinchliffe Stadium.

1 **SEC. 8. 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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