

Calendar No. 271

112TH CONGRESS
2^D SESSION**S. 323****[Report No. 112-109]**

To establish the First State National Historical Park in the State of Delaware, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2011

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

JANUARY 13, 2012

Reported under authority of the order of the Senate of December 17, 2011, by Mr. BINGAMAN, without amendment

A BILL

To establish the First State National Historical Park in the State of Delaware, 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 “First State National
5 Historical Park Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) HISTORICAL PARK.—The term “historical
4 park” means the First State National Historical
5 Park established by section 3(a)(1).

6 (2) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior.

8 (3) STATE.—The term “State” means the State
9 of Delaware.

10 **SEC. 3. FIRST STATE NATIONAL HISTORICAL PARK.**

11 (a) ESTABLISHMENT.—

12 (1) IN GENERAL.—Subject to paragraph (3),
13 there is established in the State the First State Na-
14 tional Historical Park, to be administered as a unit
15 of the National Park System.

16 (2) PURPOSES.—The purposes of the historical
17 park are to preserve, protect, and interpret the na-
18 tionally significant cultural and historic resources in
19 the State that are associated with—

20 (A) early Dutch, Swedish, and English set-
21 tlement of the Colony of Delaware; and

22 (B) the role of Delaware as the first State
23 to ratify the Constitution.

24 (3) DETERMINATION BY SECRETARY.—

25 (A) IN GENERAL.—The historical park
26 shall not be established until the date on which

1 the Secretary determines that sufficient land or
2 interests in land have been acquired from
3 among the sites described in subsection (b) to
4 constitute a manageable park unit.

5 (B) NOTICE.—Not later than 30 days
6 after making a determination under subpara-
7 graph (A), the Secretary shall publish a notice
8 in the Federal Register of the establishment of
9 the historical park, including an official bound-
10 ary map for the historical park.

11 (C) AVAILABILITY OF MAP.—The map
12 published under subparagraph (B) shall be on
13 file and available for public inspection in the
14 appropriate offices of the National Park Serv-
15 ice.

16 (b) HISTORIC SITES.—The Secretary may include the
17 following sites in the State within the boundary of the his-
18 torical park:

19 (1) The Old Sherriff's House in New Castle
20 County, Delaware.

21 (2) Fort Christina National Historic Landmark
22 in New Castle County, Delaware.

23 (3) Old Swedes Church National Historic Land-
24 mark in New Castle County, Delaware.

1 (4) Old New Castle Courthouse in New Castle,
2 Delaware.

3 (5) John Dickinson Plantation National His-
4 toric Landmark in Kent County, Delaware.

5 (6) Dover Green in Kent County, Delaware.

6 (7) Ryves Holt House in Sussex County, Dela-
7 ware.

8 **SEC. 4. ADMINISTRATION.**

9 (a) IN GENERAL.—The Secretary shall administer
10 the historical park in accordance with—

11 (1) this Act; and

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

14 (A) the National Park System Organic Act
15 (16 U.S.C. 1 et seq.); and

16 (B) the Act of August 21, 1935 (16 U.S.C.
17 461 et seq.).

18 (b) LAND ACQUISITION.—

19 (1) IN GENERAL.—The Secretary may acquire
20 all or a portion of any of the sites described in sec-
21 tion 3(b), including easements or other interests in
22 land, by purchase from a willing seller, donation, or
23 exchange.

24 (2) BOUNDARY ADJUSTMENT.—On acquisition
25 of land or an interest in land under paragraph (1),

1 the boundary of the historical park shall be adjusted
2 to reflect the acquisition.

3 (c) INTERPRETIVE TOURS.—The Secretary may pro-
4 vide interpretive tours to sites and resources in the State
5 that are located outside the boundary of the historical
6 park and associated with the purposes for which the his-
7 torical park is established, including—

- 8 (1) Fort Casimir;
- 9 (2) DeVries Monument;
- 10 (3) Amstel House;
- 11 (4) Dutch House; and
- 12 (5) Zwaanendael Museum.

13 (d) COOPERATIVE AGREEMENTS.—

14 (1) IN GENERAL.—The Secretary may enter
15 into a cooperative agreement with the State, political
16 subdivisions of the State, institutions of higher edu-
17 cation, nonprofit organizations, and individuals to
18 mark, interpret, and restore nationally significant
19 historic or cultural resources within the boundaries
20 of the historical park, if the cooperative agreement
21 provides for reasonable public access to the re-
22 sources.

23 (2) COST-SHARING REQUIREMENT.—

24 (A) FEDERAL SHARE.—The Federal share
25 of the total cost of any activity carried out

1 under a cooperative agreement entered into
2 under paragraph (1) shall be not more than 50
3 percent.

4 (B) FORM OF NON-FEDERAL SHARE.—The
5 non-Federal share may be in the form of in-
6 kind contributions or goods or services fairly
7 valued.

8 (e) MANAGEMENT PLAN.—

9 (1) IN GENERAL.—Not later than 3 fiscal years
10 after the date on which funds are made available to
11 carry out this subsection, the Secretary shall com-
12 plete a management plan for the historical park.

13 (2) APPLICABLE LAW.—The management plan
14 shall be prepared in accordance with section 12(b) of
15 Public Law 91–383 (16 U.S.C. 1a–7(b)) and other
16 applicable laws.

17 **SEC. 5. NATIONAL LANDMARK STUDY.**

18 (a) IN GENERAL.—Not later than 3 years after the
19 date on which funds are made available to carry out this
20 section, the Secretary shall complete a study assessing the
21 historical significance of additional properties in the State
22 that are associated with the purposes of historical park.

23 (b) REQUIREMENTS.—The study prepared under
24 subsection (a) shall include an assessment of the potential

1 for designating the additional properties as National His-
2 toric Landmarks.

3 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

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