

113TH CONGRESS
1ST SESSION

S. 347

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 14, 2013

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

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”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

3 (3) STATE.—The term “State” means—

4 (A) the State of Delaware; and

5 (B) in the case of the property described in
6 section 3(b)(8), the States of Delaware and
7 Pennsylvania.

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

9 (a) ESTABLISHMENT.—

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

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

18 (A) early Dutch, Swedish, and English set-
19 tlement of the Colony of Delaware and portions
20 of the Colony of Pennsylvania; and

21 (B) the role of Delaware —

22 (i) in the birth of the United States;

23 and

24 (ii) as the first State to ratify the
25 Constitution.

1 (3) DETERMINATION BY SECRETARY.—

2 (A) IN GENERAL.—The historical park
3 shall not be established until the date on which
4 the Secretary determines that sufficient land or
5 interests in land have been acquired from
6 among the sites described in subsection (b) to
7 constitute a manageable park unit.

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

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

19 (b) HISTORIC SITES.—The Secretary may include the
20 following sites within the boundary of the historical park
21 as generally depicted on the maps numbered 1 through
22 6, entitled “First State National Historical Park, New
23 Castle, Kent, Sussex Counties, DE and Delaware County,
24 PA” and “First State National Historical Park,

1 Woodlawn”, numbered T19/80,000G, and dated February
2 2013:

3 (1) The Old Sherriff’s House in New Castle
4 County, Delaware, as depicted on map 4 of 6.

5 (2) Fort Christina National Historic Landmark
6 in New Castle County, Delaware, as depicted on
7 map 3 of 6.

8 (3) Old Swedes Church National Historic Land-
9 mark in New Castle County, Delaware, as depicted
10 on map 3 of 6.

11 (4) Old New Castle Courthouse in New Castle,
12 Delaware, as depicted on map 4 of 6.

13 (5) John Dickinson Plantation National His-
14 toric Landmark in Kent County, Delaware, as de-
15 picted on map 5 of 6.

16 (6) Dover Green in Kent County, Delaware, as
17 depicted on map 5 of 6.

18 (7) Ryves Holt House in Sussex County, Dela-
19 ware, as depicted on map 6 of 6.

20 (8) The Woodlawn property in New Castle
21 County, Delaware, and Delaware County, Pennsyl-
22 vania, as depicted on map 2 of 6.

23 (9) Old New Castle Green, in New Castle, Dela-
24 ware, as depicted on map 4 of 6.

1 **SEC. 4. ADMINISTRATION.**

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

4 (1) this Act; and

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

7 (A) the National Park System Organic Act
8 (16 U.S.C. 1 et seq.); and

9 (B) the Act of August 21, 1935 (16 U.S.C.
10 461 et seq.).

11 (b) LAND ACQUISITION.—

12 (1) METHODS.—

13 (A) IN GENERAL.—Except as provided in
14 subparagraph (B), the Secretary may acquire
15 all or a portion of any of the sites described in
16 section 3(b), including easements or other inter-
17 ests in land, by purchase from a willing seller,
18 donation, or exchange.

19 (B) DONATION ONLY.—

20 (i) PROPOSED NPS SITE.—The Sec-
21 retary may acquire only by donation all or
22 a portion of the property identified as
23 “Proposed NPS Site” on map 2 of 6 enti-
24 tled “First State National Historical Park,
25 Woodlawn”, numbered T19/80,000G, and

1 dated February 2013, including easements
2 or other interests in land.

3 (ii) AREA FOR POTENTIAL ADDITION
4 BY DONATION.—The Secretary may ac-
5 quire only by donation all or a portion of
6 the property identified as “Area for Poten-
7 tial Addition by Donation” on map 2 of 6
8 entitled “First State National Historical
9 Park, Woodlawn”, numbered T19/
10 80,000G, and dated February 2013.

11 (2) BOUNDARY ADJUSTMENT.—On acquisition
12 of land or an interest in land under paragraph (1),
13 the boundary of the historical park shall be adjusted
14 to reflect the acquisition.

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

- 20 (1) Fort Casimir;
21 (2) DeVries Monument;
22 (3) Amstel House;
23 (4) Dutch House; and
24 (5) Zwaanendael Museum.

25 (d) COOPERATIVE AGREEMENTS.—

1 (1) IN GENERAL.—The Secretary may enter
2 into a cooperative agreement with the State, political
3 subdivisions of the State, institutions of higher edu-
4 cation, nonprofit organizations, and individuals to
5 mark, interpret, and restore nationally significant
6 historic or cultural resources within the boundaries
7 of the historical park, if the cooperative agreement
8 provides for reasonable public access to the re-
9 sources.

10 (2) COST-SHARING REQUIREMENT.—

11 (A) FEDERAL SHARE.—The Federal share
12 of the total cost of any activity carried out
13 under a cooperative agreement entered into
14 under paragraph (1) shall be not more than 50
15 percent.

16 (B) FORM OF NON-FEDERAL SHARE.—The
17 non-Federal share may be in the form of in-
18 kind contributions or goods or services fairly
19 valued.

20 (e) MANAGEMENT PLAN.—

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

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

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

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

11 (b) **REQUIREMENTS.**—The study prepared under
12 subsection (a) shall include an assessment of the potential
13 for designating the additional properties as National His-
14 toric Landmarks.

15 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated such sums
17 as are necessary to carry out this Act.

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