

# Calendar No. 58

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 347

[Report No. 113-27]

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

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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

APRIL 22, 2013

Reported by Mr. WYDEN, with an amendment

[Insert the part printed in *italic*]

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## 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—

9 (A) the State of Delaware; and

10 (B) in the case of the property described in  
11 section 3(b)(8), the States of Delaware and  
12 Pennsylvania.

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

14 (a) ESTABLISHMENT.—

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

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

23 (A) early Dutch, Swedish, and English set-  
24 tlement of the Colony of Delaware and portions  
25 of the Colony of Pennsylvania; and

26 (B) the role of Delaware —

- 1 (i) in the birth of the United States;  
2 and  
3 (ii) as the first State to ratify the  
4 Constitution.

5 (3) DETERMINATION BY SECRETARY.—

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

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

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

23 (b) HISTORIC SITES.—The Secretary may include the  
24 following sites within the boundary of the historical park  
25 as generally depicted on the maps numbered 1 through

1 6, entitled “First State National Historical Park, New  
2 Castle, Kent, Sussex Counties, DE and Delaware County,  
3 PA” and “First State National Historical Park,  
4 Woodlawn”, numbered T19/80,000G, and dated February  
5 2013:

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

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

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

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

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

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

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

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

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

3 **SEC. 4. ADMINISTRATION.**

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

6 (1) this Act; and

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

9 (A) the National Park System Organic Act  
10 (16 U.S.C. 1 et seq.); and

11 (B) the Act of August 21, 1935 (16 U.S.C.  
12 461 et seq.).

13 (b) LAND ACQUISITION.—

14 (1) METHODS.—

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

21 (B) DONATION ONLY.—

22 (i) PROPOSED NPS SITE.—The Sec-  
23 retary may acquire only by donation all or  
24 a portion of the property identified as  
25 “Proposed NPS Site” on map 2 of 6 enti-

1           tled “First State National Historical Park,  
2           Woodlawn”, numbered T19/80,000G, and  
3           dated February 2013, including easements  
4           or other interests in land.

5                   (ii) AREA FOR POTENTIAL ADDITION  
6           BY DONATION.—The Secretary may ac-  
7           quire only by donation all or a portion of  
8           the property identified as “Area for Poten-  
9           tial Addition by Donation” on map 2 of 6  
10          entitled “First State National Historical  
11          Park, Woodlawn”, numbered T19/  
12          80,000G, and dated February 2013.

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

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

- 22                   (1) Fort Casimir;
- 23                   (2) DeVries Monument;
- 24                   (3) Amstel House;
- 25                   (4) Dutch House; and

1 (5) Zwaanendael Museum.

2 (d) COOPERATIVE AGREEMENTS.—

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

12 (2) COST-SHARING REQUIREMENT.—

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

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

22 (e) MANAGEMENT PLAN.—

23 (1) IN GENERAL.—Not later than 3 fiscal years  
24 after the date on which funds are made available to

1 carry out this subsection, the Secretary shall com-  
2 plete a management plan for the historical park.

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

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

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

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

17 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated such sums  
19 as are necessary to carry out this Act.

20 **SEC. 7. OFFSET.**

21 *Section 7302(f) of the Omnibus Public Land Manage-*  
22 *ment Act of 2009 (16 U.S.C. 469n(f)) is amended by insert-*  
23 *ing before the period at the end the following: “, except that*  
24 *the amount authorized to be appropriated to carry out this*  
25 *section not appropriated as of the date of enactment of the*



- 1 *First State National Historical Park Act shall be reduced*
- 2 *by \$6,500,000”.*

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