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SENATE

{ REPORT
{ 110-376

PATERSON GREAT FALLS NATIONAL HISTORICAL PARK ACT

JUNE 16, 2008.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 189]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 189) to establish the Paterson Great Falls National Historical Park in the State of New Jersey, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the Act, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Paterson Great Falls National Historical Park Act of 2008”.

SEC. 2. DEFINITIONS.

In this Act:

- (1) CITY.—The term “City” means the City of Paterson, New Jersey.
- (2) COMMISSION.—The term “Commission” means the Paterson Great Falls National Historical Park Advisory Commission established by section 6(a).
- (3) HISTORIC DISTRICT.—The term “Historic District” means the Great Falls Historic District in the State.
- (4) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Park developed under section 5.
- (5) MAP.—The term “Map” means the map entitled “Paterson Great Falls National Historical Park—Proposed Boundary”, numbered T03/80,001, and dated May 2008.
- (6) PARK.—The term “Park” means the Paterson Great Falls National Historical Park established by section 3(a).
- (7) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
- (8) STATE.—The term “State” means the State of New Jersey.

SEC. 3. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK.**(a) ESTABLISHMENT.—**

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

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

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

(ii) the State or City, as appropriate, has entered into a written agreement with the Secretary to donate—

(I) the Great Falls State Park, including facilities for Park administration and visitor services; or

(II) any portion of the Great Falls State Park agreed to between the Secretary and the State or City; and

(B) the Secretary has entered into a written agreement with the State, City, or other public entity, as appropriate, providing that—

(i) land owned by the State, City, or other public entity within the Historic District will be managed consistent with this Act; and

(ii) future uses of land within the Historic District will be compatible with the designation of the Park.

(b) **PURPOSE.**—The purpose of the Park is to preserve and interpret for the benefit of present and future generations certain historical, cultural, and natural resources associated with the Historic District.

(c) **BOUNDARIES.**—The Park shall include the following sites, as generally depicted on the Map:

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

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

(3) A portion of Upper Raceway Park, including the Ivanhoe Wheelhouse and the Society for Establishing Useful Manufactures Gatehouse.

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

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

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

(7) The Great Falls Visitor Center.

(d) **AVAILABILITY OF MAP.**—The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(e) **PUBLICATION OF NOTICE.**—Not later than 60 days after the date on which the conditions in subparagraphs (A) and (B) of subsection (a)(2) are satisfied, the Secretary shall publish in the Federal Register notice of the establishment of the Park, including an official boundary map for the Park.

SEC. 4. ADMINISTRATION.

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

(1) this Act; and

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

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

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

(b) **STATE AND LOCAL JURISDICTION.**—Nothing in this Act enlarges, diminishes, or modifies any authority of the State, or any political subdivision of the State (including the City)—

(1) to exercise civil and criminal jurisdiction; or

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

(c) **COOPERATIVE AGREEMENTS.**—

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

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

(A) conducting visitors through the properties; and

- (B) interpreting the properties for the public.
- (3) **CHANGES OR ALTERATIONS.**—No changes or alterations shall be made to any properties covered by a cooperative agreement entered into under paragraph (1) unless the Secretary and the other party to the agreement agree to the changes or alterations.
- (4) **CONVERSION, USE, OR DISPOSAL.**—Any payment made by the Secretary under this subsection shall be subject to an agreement that the conversion, use, or disposal of a project for purposes contrary to the purposes of this Act, as determined by the Secretary, shall entitle the United States to reimbursement in amount equal to the greater of—
- (A) the amounts made available to the project by the United States; or
- (B) the portion of the increased value of the project attributable to the amounts made available under this subsection, as determined at the time of the conversion, use, or, disposal.
- (5) **MATCHING FUNDS.**—
- (A) **IN GENERAL.**—As a condition of the receipt of funds under this subsection, the Secretary shall require that any Federal funds made available under a cooperative agreement shall be matched on a 1-to-1 basis by non-Federal funds.
- (B) **FORM.**—With the approval of the Secretary, the non-Federal share required under subparagraph (A) may be in the form of donated property, goods, or services from a non-Federal source.
- (d) **ACQUISITION OF LAND.**—
- (1) **IN GENERAL.**—The Secretary may acquire land or interests in land within the boundary of the Park by donation, purchase from a willing seller with donated or appropriated funds, or exchange.
- (2) **DONATION OF STATE OWNED LAND.**—Land or interests in land owned by the State or any political subdivision of the State may only be acquired by donation.
- (e) **TECHNICAL ASSISTANCE AND PUBLIC INTERPRETATION.**—The Secretary may provide technical assistance and public interpretation of related historic and cultural resources within the boundary of the Historic District.

SEC. 5. MANAGEMENT PLAN.

- (a) **IN GENERAL.**—Not later than 3 fiscal years after the date on which funds are made available to carry out this section, the Secretary, in consultation with the Commission, shall complete a management plan for the Park in accordance with—
- (1) section 12(b) of Public Law 91-383 (commonly known as the “National Park Service General Authorities Act”) (16 U.S.C. 1a-7(b)); and
- (2) other applicable laws.
- (b) **COST SHARE.**—The management plan shall include provisions that identify costs to be shared by the Federal Government, the State, and the City, and other public or private entities or individuals for necessary capital improvements to, and maintenance and operations of, the Park.
- (c) **SUBMISSION TO CONGRESS.**—On completion of the management plan, the Secretary shall submit the management plan to—
- (1) the Committee on Energy and Natural Resources of the Senate; and
- (2) the Committee on Natural Resources of the House of Representatives.

SEC. 6. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK ADVISORY COMMISSION.

- (a) **ESTABLISHMENT.**—There is established a commission to be known as the “Paterson Great Falls National Historical Park Advisory Commission”.
- (b) **DUTIES.**—The duties of the Commission shall be to advise the Secretary in the development and implementation of the management plan.
- (c) **MEMBERSHIP.**—
- (1) **COMPOSITION.**—The Commission shall be composed of 9 members, to be appointed by the Secretary, of whom—
- (A) 4 members shall be appointed after consideration of recommendations submitted by the Governor of the State;
- (B) 2 members shall be after consideration of recommendations submitted by the City Council of Paterson, New Jersey;
- (C) 1 member shall be after consideration of recommendations submitted by the Board of Chosen Freeholders of Passaic County, New Jersey; and
- (D) 2 members shall have experience with national parks and historic preservation.
- (2) **INITIAL APPOINTMENTS.**—The Secretary shall appoint the initial members of the Commission not later than the earlier of—
- (A) the date that is 30 days after the date on which the Secretary has received all of the recommendations for appointments under paragraph (1); or

- (B) the date that is 30 days after the Park is established in accordance with section 3.
- (d) **TERM; VACANCIES.**—
- (1) **TERM.**—
- (A) **IN GENERAL.**—A member shall be appointed for a term of 3 years.
- (B) **REAPPOINTMENT.**—A member may be reappointed for not more than 1 additional term.
- (2) **VACANCIES.**—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.
- (e) **MEETINGS.**—The Commission shall meet at the call of—
- (1) the Chairperson; or
- (2) a majority of the members of the Commission.
- (f) **QUORUM.**—A majority of the Commission shall constitute a quorum.
- (g) **CHAIRPERSON AND VICE CHAIRPERSON.**—
- (1) **IN GENERAL.**—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.
- (2) **VICE CHAIRPERSON.**—The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.
- (3) **TERM.**—A member may serve as Chairperson or Vice Chairman for not more than 1 year in each office.
- (h) **COMMISSION PERSONNEL MATTERS.**—
- (1) **COMPENSATION OF MEMBERS.**—
- (A) **IN GENERAL.**—Members of the Commission shall serve without compensation.
- (B) **TRAVEL EXPENSES.**—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.
- (2) **STAFF.**—
- (A) **IN GENERAL.**—The Secretary shall provide the Commission with any staff members and technical assistance that the Secretary, after consultation with the Commission, determines to be appropriate to enable the Commission to carry out the duties of the Commission.
- (B) **DETAIL OF EMPLOYEES.**—The Secretary may accept the services of personnel detailed from—
- (i) the State;
- (ii) any political subdivision of the State; or
- (iii) any entity represented on the Commission.
- (i) **FACA NONAPPLICABILITY.**—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.
- (j) **TERMINATION.**—The Commission shall terminate 10 years after the date of enactment of this Act.

SEC. 7. STUDY OF HINCHLIFFE STADIUM.

- (a) **IN GENERAL.**—Not later than 3 fiscal years after the date on which funds are made available to carry out this Act, the Secretary shall complete a study regarding the preservation and interpretation of Hinchliffe Stadium, which is listed on the National Register of Historic Places.
- (b) **INCLUSIONS.**—The study shall include an assessment of—
- (1) the potential for listing the stadium as a National Historic Landmark; and
- (2) options for maintaining the historic integrity of Hinchliffe Stadium.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

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

PURPOSE

The purpose of H.R. 189, as ordered reported, is to establish the Paterson Great Falls National Historical Park in New Jersey as a unit of the National Park System.

BACKGROUND AND NEED

Conceived by Alexander Hamilton, who believed that the United States needed to reduce its dependence on foreign goods by developing its own industries, Paterson, New Jersey, was the Nation's first planned industrial city and contains some of the country's old-

est textile mills. The 77-foot-high Great Falls provided a means to power the dozens of mills funded by Hamilton's investment group, the Society for Establishing Useful Manufactures. In the late 1800's, silk production became the dominant industry in the area.

The buildings in the city's historic district reflect different phases of decline and renewal typical of northern textile cities. Today, some structures are vacant and deteriorated, while others have been adaptively reused or continue to be used by industry. The Great Falls Historic District, an 89-acre core area, was listed on the National Register of Historic Places in 1970 and designated as a National Historic Landmark in 1976. Since 1988, the Great Falls Historic District has been listed as a "Priority One Threatened National Historic Landmark" in the Department of the Interior's annual report to Congress on such landmarks.

Section 510 of Public Law 104-333 legislatively established the historic district and authorized a restoration, preservation, and interpretive program for the area. The Great Falls Historic District Study Act of 2001, Public Law 107-59, directed the Secretary of the Interior to conduct a study regarding the suitability and feasibility of "further recognizing the historic and cultural significance of the lands and structures of the Great Falls Historic District through the designation of the Great Falls Historic District as a unit of the National Park System." The study is still under final Departmental review.

LEGISLATIVE HISTORY

H.R. 189 was introduced by Representative Pascrell on January 4, 2007. Similar legislation, S. 148, was introduced by Senators Lautenberg and Menendez on January 4, 2007. The Subcommittee on National Parks held a hearing on both bills on September 27, 2007. (S. Hrg. 110-266.) At its business meeting on May 7, 2008, the Committee on Energy and Natural Resources ordered H.R. 189 favorably reported, with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 7, 2008, by a voice vote of a quorum present, recommends that the Senate pass H.R. 189, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of H.R. 189, the Committee adopted an amendment in the nature of a substitute. The amendment addresses many concerns raised by the National Park Service at the subcommittee hearing on H.R. 189. The amendment provides for establishment of the park contingent on the Secretary acquiring sufficient lands, or on the State or City donating the Great Falls State Park, or on an agreement between the Secretary and appropriate State and local governments that will ensure that non-Federal lands within the park boundary will be managed in accordance with this Act. The amendment incorporates a new boundary map that reduces the size of the proposed park to emphasize the nationally significant sites and structures. The amendment also makes

several clarifying and conforming amendments to make the park's statutory authority consistent with other new park units approved by the Committee. The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the "Paterson Great Falls National Historical Park Act of 2008".

Section 2 defines key terms used in the bill.

Section 3(a) establishes the Paterson Great Falls National Historical Park (the "park") in New Jersey at such time as any of the following conditions have been met: (1) the Secretary of the Interior has acquired sufficient land within the boundary on the referenced map to constitute a manageable unit; (2) the State of New Jersey or the City of Paterson, as appropriate, has entered into a written agreement with the Secretary to donate the Great Falls State Park, including facilities or park administration and visitor services (or any portion of the state park agreed to by the Secretary and the State or City); or (3) the Secretary has entered into a written agreement with the State, City, or other public entity that the land owned by the State, City, or public entity within the boundary of the Great Falls Historic District will be managed consistent with this Act and that future uses of the historic district will be compatible with the designation of the park.

Subsection (b) states that the purpose of the park is to preserve and interpret for the benefit of present and future generations certain historical, cultural, and natural resources associated with the Great Falls Historic District.

Subsection (c) lists a number of historic sites that are included within the park boundary, as depicted on the referenced map.

Subsection (d) states that the map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

Subsection (e) requires the Secretary to publish notice of the establishment of the park not later than 60 days after any of the conditions in subsection (a) have been met.

Section 4(a) directs the Secretary to administer the park in accordance with this Act, the National Park Service Organic Act (16 U.S.C. 1 et seq.), and the Historic Sites Act of 1935 (16 U.S.C. 461 et seq.).

Subsection (b) clarifies that nothing in this Act enlarges, diminishes, or modifies any authority of the State of New Jersey, the City of Paterson, or any political subdivision of the State to exercise civil and criminal jurisdiction, or to carry out State laws within the park boundary.

Subsection (c) authorizes the Secretary to enter into cooperative agreements with the owner of the Great Falls Visitor Center or any nationally significant properties within the park boundary under which the Secretary may identify, interpret, restore, and provide technical assistance for the property. The subsection details the conditions of the cooperative agreements, including requirements that the National Park Service have a right of access at reasonable times to allow for public interpretation of the site, and that Federal funding be matched on at least a one-to-one basis with non-Federal funds.

Subsection (d) authorizes the Secretary to acquire lands within the park boundary by donation, purchase from a willing seller with donated or appropriated funds, or by exchange. Lands or interests therein owned by the State or a political subdivision of the State may be acquired only by donation.

Subsection (e) authorizes the Secretary to provide technical assistance and public interpretation of related historic and cultural resources outside of the park boundary, but within the boundary of the historic district.

Section 5(a) directs the Secretary, in consultation with the Paterson Great Falls Advisory Commission established by section 6, to complete a management plan for the park not later than three fiscal years after the date on which funds are made available. The management plan is to be prepared in accordance with section 12(b) of the National Park Service General Authorities Act (16 U.S.C. 1a–7(b)) and other applicable laws.

Subsection (b) requires that the management plan include provisions that identify costs to be shared by the various parties involved with the park, including the Federal Government, the State of New Jersey, the City of Paterson, and other public or private entities or individuals for necessary capital improvements, and park maintenance and operations costs.

Subsection (c) requires the Secretary to submit the completed management plan to the House and Senate authorizing committees.

Section 6(a) establishes the nine-member Paterson Great Falls National Historical Park Advisory Commission.

Subsection (b) provides that the duties of the commission are to advise the Secretary in the development and implementation of the management plan.

Subsection (c) details the membership composition of the commission and provides for the initial appointment of commission members.

Subsections (d) through (h) list requirements for the operation of the commission.

Subsection (i) provides that section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the commission. That subsection requires that any advisory committee established by an Act of Congress must file a charter upon the expiration of each successive two-year period following the date of enactment of the Act establishing the advisory committee.

Subsection (j) terminates the commission ten years after the date of enactment of this Act.

Section 7 directs the Secretary to conduct a study of the nearby Hinchliffe Stadium to assess the potential for listing the stadium as a National Historic Landmark and provide options for maintaining its historic integrity.

Section 8 authorizes the appropriation of such sums as may be necessary.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

H.R. 189—Paterson Great Falls National Historical Park Act of 2008

Summary: H.R. 189 would establish the Paterson Great Falls National Historical Park in Paterson, New Jersey. Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 189 would cost the National Park Service (NPS) \$22 million over the 2009–2013 period and \$1 million a year thereafter. Enacting the legislation would not affect direct spending or revenues.

H.R. 189 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated costs to the Federal Government: The estimated budgetary impact of H.R. 189 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2009	2010	2011	2012	2013
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	1	1	4	8	8
Estimated Outlays	1	1	4	8	8

Basis of estimate: H.R. 189 would establish the Paterson Great Falls National Historical Park at the site of the Great Falls Historic District, a National Historic Landmark in New Jersey. (Although the legislation would authorize the NPS to acquire the park site, CBO expects that most of the area would continue to be owned by the state, local nonprofit organizations, and private landowners.) The park would be managed by the NPS under cooperative agreements with those entities and in consultation with a Paterson Great Falls National Historical Park Commission, also to be established by the legislation. The NPS also would restore and preserve historic structures, provide technical assistance to landowners, and create interpretive programs and materials such as signs and way-side exhibits.

Based on information provided by NPS and assuming appropriation of the necessary amounts, CBO estimates that the agency would spend \$22 million over the 2009–2013 period to implement this legislation. Of this amount, we estimate that \$1 million a year would be spent to manage and operate the new historical park. In the first three years, the annual cost would include expenses to prepare a general management plan for the park and to complete a required study on preserving and interpreting the Hinchcliffe Stadium. We estimate that the agency would spend an additional \$5 million to construct administrative and visitor facilities and to install park exhibits over the 2011–2013 period. We estimate that \$12 million would be provided to local landowners over that same period for the preservation of historic properties within the park.

Intergovernmental and private-sector impact: H.R. 189 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO cost estimate: On July 20, 2007, CBO transmitted a cost estimate for H.R. 189 as ordered reported by the House Com-

mittee on Natural Resources on June 28, 2007. The two versions of the legislation are similar, and the estimated costs of implementing them are the same.

Estimate prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Leo Lex; Impact on the Private Sector: MarDestinee Perez.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 189. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 189, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 189, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined by rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the September 27, 2007, subcommittee hearing on H.R. 189 follows:

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 148, a bill to establish the Paterson Great Falls National Park in the State of New Jersey. The Department opposes S. 148.

The Department has three main objections to the bill. First, the Special Resource Study authorized by P.L. 107-59 and still under final Departmental review, has preliminarily concluded that the resources of the Great Falls Historic District do not meet congressionally required criteria for designation as a unit of the National Park System. Second, the bill includes within the boundary of the proposed unit, a resource with no relationship to the documented period of historic significance of the Great Falls Historic District or of any determined national significance under established National Historic Landmark criteria. And third, the bill also contains a number of sections that raise crucially important concerns as to how the proposed unit would be effectively and efficiently managed by the National Park Service.

The history of the Great Falls Historic District is rich in the nation's late 18th and early 19th century movement

into the industrial revolution. Conceived by Alexander Hamilton as the demonstration of his Report on Manufactures to Congress, the venture was of clear historic significance. While the Hamilton-inspired Society for the Establishment of Useful Manufactures (S.U.M.) did not achieve the early success envisioned by its architect, largely due to diversion of funds by its initial governor, William Duer, it became a very successful real estate leasing and water power purveyor into the mid 20th century. The S.U.M. water power system at the Great Falls, designed by Pierre C. L'Enfant, and constructed between 1794 and 1827, was an engineering achievement of major importance.

Over time, industries at the Great Falls produced cotton and wool textiles, spun flax, hemp, jute, paper, and other products. The site was the location of Samuel Colt's unsuccessful first arms factory, and a major center for locomotive manufacturing and the production of silk fabrics. The latter activity of silk weaving and dyeing, which during its heyday produced half of the nation's silk products, earned Paterson the label of "Silk City." The District was also an important place in labor history, with the unsuccessful Silk Strike of 1913 involving an estimated 24,000 workers spurred on by the labor organization, the Industrial Workers of the World, often referred to as the "Wobblies." John Holland's first submarine, "The Fenian Ram," built in New York, was fitted with its engine at the Great Falls and made its maiden voyage on the Passaic River. While the District was plagued by arson impacting or destroying many of its earliest and most important mills, the remaining structures have integrity and have been and continue to be rehabilitated for housing and other public and private adaptive reuses.

During the course of the Special Resource Study and the public comment period for the report which ended on January 30, 2007, a number of Alexander Hamilton biographers, knowledgeable historians, and interested individuals have urged the designation of the District as a unit of the National Park System because of its seminal role in the industrial revolution and its association with Alexander Hamilton. The Department concurs that the history of the Great Falls Historic District and its remaining resources are of national significance. Its designations as a National Historic Landmark and National Natural Landmark attest to that significance.

National significance, although the first criterion analyzed in any Special Resource Study, does not alone result in a recommendation to Congress for unit designation. The resource being studied must also be judged suitable and feasible for designation, and a determination must be made that there is a need for National Park Service (NPS) management of the resource. The National Park Service does not believe that the Great Falls Historic District meets these critical criteria nor is there a need for NPS management of, or presence at, the site.

Suitability is the determination of whether comparable resources to those being studied are already adequately represented in the National Park System or protected by other public agencies including state and local governments or private organizations. The extant resources of the District primarily comprise the S.U.M. water power system and the remaining elements of a collection of 19th century mills used for the manufactures noted above. We believe that within the National Park System and among numerous other protected sites, there are similar resources adequate to interpret the major theme categories also associated with the Great Falls Historic District, whether they represent comparable manufacturing enterprises, early water power, labor unrest of the same period, or sites associated with Alexander Hamilton's contributions to our nation. In the National Park System itself, Lowell National Historical Park contains comparable mill resources and tells the stories associated with our nation's industrial revolution, including those of immigrant workers and labor unrest. The John H. Chafee Blackstone River Valley National Heritage Area contains Slater's Mill, the first successful textile manufacturing enterprise in the nation. The Special Resource Study documents many examples of similar resources and themes within and outside of the National Park System. NPS sites associated with Alexander Hamilton include his home, Hamilton Grange, in New York City and, of course, Independence National Historical Park in Philadelphia.

The feasibility analysis conducted by the National Park Service estimates the costs for planning, developing and operating a unit at the Great Falls to range from \$20 to \$34 million dollars over a ten-year period. This estimate assumes a small staffing contingent and no major NPS ownership of resources at the site. In the difficult budget climate facing federal agencies, we believe these costs would negatively impact finite resources available to other units of the National Park System in the Northeast Region and that lesser and equally effective cost alternatives are available through a partnership between the NPS and the State of New Jersey. We believe the costs to implement the provisions of S. 148 would far exceed this estimate.

In late 2004 the State of New Jersey established the Great Falls State Park in the Historic District. The boundaries of the park contain the primary resources related to the S.U.M. water power system and the earliest mill sites. The State has recently completed a design competition for phase 1 of the park and has pledged \$10,000,000 for park improvements. The Department believes that the Division of Parks and Forestry of the New Jersey State Department of Environmental Protection, which manages both natural and cultural resources of national significance throughout the State, is fully capable of providing the stewardship necessary to protect the critical resources associated with Alexander Hamilton and the S.U.M. Therefore, we believe there is no need for NPS management of these resources.

We understand that many state park systems are encountering necessary budgetary constraints similar to those of the National Park Service. We do not believe this constitutes a reason to supplant any state's management of resources.

The Department also has strong concerns with a number of provisions of S. 148 that go beyond the fact that the Great Falls Historic District fails to meet congressionally required criteria for designation. The bill includes Hinchliffe Stadium within the proposed boundary of the unit. Hinchliffe Stadium, built during the 1930s, has important associations with the Negro Baseball Leagues, serving during periods as the home field for the New York Black Yankees. It is also the site where Larry Doby, the second African American to play in the previously all white major leagues, played high school baseball. The site is listed on the National Register of Historic Places, but currently is listed as "locally," rather than "nationally" significant. To be considered as a unit of the National Park System, resources must be determined to meet the criteria for National Historic Landmark (NHL) designation. This resource is far from being considered for NHL status and no nomination for such a designation has been presented to the Department. Hinchliffe Stadium also has no connection to the NHL determined period of historical significance of the Great Falls Historic District, and we believe it should not be considered for unit designation. Costs associated with maintaining and improving the site would also be significant due to its present deteriorated condition.

S. 148 contains other provisions that cause the Department concern. In section 6(d), for example, the bill provides a process for approval of the park's management plan more common to Affiliated Areas of the National Park System or national heritage areas. In section 7, the bill creates a federal commission to coordinate management of the park. In section 8, an advisory council is provided, also appointed by the Secretary, to advise the group created in section 7. In section 10(c), the bill appears to provide for authority to the Secretary to condemn property for Federal ownership under certain circumstances. Congress has been reluctant to extend this authority in recent park legislation.

Section 11(b) provides a matching requirement that for every one federal dollar the value in cash or in-kind of three non-federal dollars must be available. In effect, annual funding to operate the national park unit would be contingent upon the availability of non-federal donations. The Department has concerns with taking on this permanent funding obligation under the assumption that some of the costs would be covered through private fundraising since appropriations would be required if private funds proved to be insufficient. While philanthropic donations can and do help to enhance park activities, facilities and

resources, they should not be relied upon to support core operations, including the salaries for permanent staff.

We have specific concerns about the viability of raising funds for this purpose based on our past experience working in Paterson. While during the study period, advocates for unit designation have stated (as does section 2(a)(10) of the bill) that significant funding for the park will be available from private donors if the unit is established, attempts to verify any tangible evidence of private funding interests were met with the simple explanation that "They will not identify themselves unless and until the park is created." In 1996, Congress authorized \$3.3 million through the Omnibus Parks and Public Lands Management Act (section 510) in technical assistance, grants, and infrastructure improvements. All funding required a 50 percent local match, yet over the past 11 years, no local matching funds have been made available under this authority.

S. 148 contains other technical and substantive provisions of concern that are incompatible with current unit designation and park management practices.

In conclusion, Mr. Chairman, the Special Resource Study of the Great Falls Historic District does suggest a pathway to an effective partnership with the State of New Jersey to protect and interpret the nationally significant resources of the District. It provides for possible congressional consideration of a Great Falls National Historic Site, as an Affiliated Area of the National Park System, with technical and financial assistance provided by the Secretary of the Interior to the State of New Jersey. We believe that time spent exploring this alternative could enhance the protection of the District's resources by establishing a strong partnership between the NPS and the New Jersey Department of Environmental Protection, one not dissimilar to the very productive partnership we have enjoyed with the State of New Jersey in its 25 years of management of the congressionally designated 1.1 million acre New Jersey Pinelands National Reserve.

Thank you for the opportunity to present the Department's position on this bill. This concludes my prepared remarks and I would be glad to answer any questions that you or the members of the committee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act, H.R. 189, as ordered reported.