H. R. 2626

To establish a system of National Historic Ball Parks, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 1993

Mr. Bonior (for himself, Mr. Serrano, Mr. Upton, Mr. Dixon, Mr. Barcia of Michigan, Mr. Beilenson, Mr. Filner, Mr. Lehman, Mr. Lipinski, Mr. Neal of Massachusetts, Mr. Richardson, and Mr. Torkildsen) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish a system of National Historic Ball Parks, 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 “National Historic Ball
5 Park Act”.
6 SEC. 2. DEFINITIONS.
7 As used in this Act:
(1) PARK.—The term “park” means a stadium designated as a National Historic Ball Park by section 3.

(2) COMMISSION.—The term “Advisory Commission” means the National Historic Ball Park Acquisition Advisory Commission established and reestablished under section 7.

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

SEC. 3. DESIGNATION OF HISTORIC BALL PARKS.

In order to preserve the character of the following areas and to provide for the interpretation of the significant contribution of these areas to American culture, each of the following stadiums is hereby designated as a National Historic Ball Park:

(1) Tiger Stadium, Detroit, Michigan.
(2) Fenway Park, Boston, Massachusetts.
(3) Wrigley Field, Chicago, Illinois.
(4) Yankee Stadium, New York, New York.

SEC. 4. COOPERATION AGREEMENTS FOR PRESERVATION OF NATIONAL HISTORIC BALL PARKS.

(a) IN GENERAL.—The Secretary shall seek to enter into cooperative agreements with the owners of any of the parks specified in section 3 for the protection and preser-
vation of the park. Each cooperative agreement shall pro-
vide—

(1) that the owners will hold and preserve the
historic property of the park and will not undertake
or permit the alteration or removal of historic fea-
tures or the erection of markers, structures, or
buildings without the prior concurrence of the Sec-
retary; and

(2) that the public will have reasonable access
to those portions of the property to which access is
necessary in the judgment of the Secretary for the
proper appreciation and interpretation of its histori-
cal and architectural value.

(b) *Technical Advice.*—The Secretary may provide
technical advice to the owners of a park in carrying out
this Act.

(c) *Donations.*—Notwithstanding any other provi-
sion of law, the Secretary may accept and expend dona-
tions of funds, property, or services from individuals, foun-
dations, corporations, or public entities for the purpose of
providing services and facilities which he deems consistent
with the purposes of this Act.

(d) *Interpretive Centers.*—Pursuant to such co-
operative agreements and notwithstanding any other provi-
sion of law, the Secretary may, directly or by contract,
construct interpretive facilities on real property not in Federal ownership and may maintain and operate programs in connection therewith as the Secretary deems appropriate in carrying out this Act.

SEC. 5. RIGHT OF FIRST REFUSAL.

(a) Notification of Intention to Transfer Park.—If an owner of a park intends to transfer or otherwise dispose of the park, the owner shall notify the Secretary in writing of such intention.

(b) Exercise of First Refusal.—Within the six-month period after receipt of notice under subsection (a), the Secretary shall respond in writing as to his interest in exercising a right of first refusal to acquire the park under section 6. If, within such period, the Secretary declines to respond in writing or expresses no interest in exercising such right, the owner may proceed to transfer such interests. If the Secretary responds in writing within such period and expresses an interest and intention to exercise a right of first refusal, the Secretary shall initiate an action to exercise such right within six months after the date of the Secretary’s response. If the Secretary fails to initiate action to exercise such right within such six months, the owner may proceed to otherwise transfer such interests.
SEC. 6. ACQUISITION OF NATIONAL HISTORIC BALL PARKS

BY THE UNITED STATES.

(a) In General.—The Secretary, after receiving recommendations of the Advisory Commission pursuant to section 7, may, subject to the availability of funds, acquire land, interests in land, and improvements thereon within the boundaries of a park by donation or purchase with donated or appropriated funds. Land may not be acquired under this section without the consent of the owner thereof. Each park acquired by the United States under this Act shall be added to and administered as a unit of the National Park System.

(b) Administration.—The Secretary shall administer each park acquired by the United States under this Act in accordance with this Act and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

(c) Cooperative Agreements With State.—In administering each park acquired by the United States under this Act, the Secretary is authorized to enter into cooperative agreements with the State in which the park is located, or any political subdivision thereof, for the ren-
dering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies and for other appropriate purposes.

SEC. 7. NATIONAL HISTORIC BALL PARK ACQUISITION ADVISORY COMMISSION.

(a) Establishment.—

(1) Initial Establishment.—There is established a National Historic Ball Park Acquisition Advisory Commission for the purpose specified in subsection (b)(1).

(2) Subsequent Reestablishments.—After the termination of the Advisory Commission established pursuant to paragraph (1), the Secretary, upon determining in the discretion of the Secretary that a situation described in paragraph (3) exists, shall notify the Speaker and minority leader of the House of Representatives and the majority and minority leaders of the Senate and publish notice of such determination in the Federal Register. Upon publication of such notice, the National Historic Ball Park Acquisition Advisory Commission is reestablished for the purpose specified in subsection (b)(2).

(3) Situations Requiring the Establishment of Advisory Commission.—Situations which
require the reestablishment of an Advisory Commis-

sion under this section include the following:

(A) Notification by the owner or owners of
the park of the desire to sell the park.

(B) The park is subject to, or threatened
with, uses which are having, or would have, an
adverse impact on the park.

(b) PURPOSE AND DUTIES.—Not later than six
months after members are appointed to the Advisory Com-
mission under subsection (c), the Advisory Commission—

(1) established under subsection (a)(1) shall
conduct a study and submit a report to the Sec-
retary and to the Congress with recommendations
concerning methods of financing the acquisition of a
park by the United States under section 6; and

(2) reestablished under section (a)(2) shall, for
the purpose of advising the Secretary on the pur-
chase of a park under this Act, conduct a study con-
cerning the acquisition of the park pursuant to this
Act and advise the Secretary on whether to acquire
the park and matters relating thereto, including—

(A) how the park can best be used for pub-
lic purposes in a manner compatible with the
National Park System, taking into account the
location of the park and the needs of the community concerned; and

(B) methods of financing such acquisition.

(c) Membership.—

(1) Number and Appointment.—The Advisory Commission shall be composed of seven members appointed as follows:

(A) Two Members of the House of Representatives, one of whom shall be appointed by the Speaker, and the other shall be appointed by the minority leader, of the House of Representatives.

(B) Two Members of the Senate, one of whom shall be appointed by the majority leader, and the other shall be appointed by the minority leader, of the Senate.

(C) One member appointed by the President.

(D) One member appointed by the Secretary of the Interior.

(E) One member appointed by the Chairperson of the Ball Parks Committee of the Society for American Baseball Research, who shall be a representative of the professional sport with the major use of the park.
(2) Terms.—Each member shall be appointed for the life of the Advisory Commission, including a member appointed to the Advisory Commission as a Member of Congress who ceases to be a Member of Congress.

(3) Vacancies.—Any member appointed to fill a vacancy occurring in the Advisory Commission shall be appointed only for the remaining life of the Advisory Commission. A vacancy in the Advisory Commission shall be filled within 30 days after the creation of the vacancy in the manner in which the original appointment was made.

(4) Pay and Travel Expenses.—(A) Members of the Advisory Commission shall serve without pay as such.

(B) Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(5) Quorum.—Five members of the Advisory Commission shall constitute a quorum but a lesser number may hold hearings.

(6) Chairperson.—The Chairperson of the Advisory Commission shall be elected by the members.
(7) **Meetings.**—The Advisory Commission shall meet at the call of the Chairperson or a majority of its members and shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the park. Advisory Commission meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

(d) **Director and Staff.**—

(1) **Appointment.**—The Advisory Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint and fix the pay of a Director and such additional staff as it considers appropriate. The Director and staff of the Advisory Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) **Experts and Consultants.**—The Advisory Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.
(3) **Staff of Federal Agencies.**—Upon request of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out its duties under this Act.

(e) **Powers.**—

(1) **Hearings and Sessions.**—The Advisory Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Advisory Commission considers appropriate.

(2) **Powers of Members and Agents.**—Any member or agent of the Advisory Commission may, if authorized by the Advisory Commission, take any action which the Advisory Commission is authorized to take by this section.

(3) **Obtaining Official Data.**—The Advisory Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson of the Advisory Commission, the head of that department or agency shall furnish that information to the Advisory Commission.
(4) Mails.—The Advisory Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) Administrative Support Services.—Upon the request of the Advisory Commission, the Administrator of General Services shall provide to the Advisory Commission, on a reimbursable basis, the administrative support services necessary for the Advisory Commission to carry out its responsibilities under this Act.

(e) Charter.—The provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. Appendix; 86 Stat. 776), are hereby waived with respect to this Advisory Commission.

(f) Termination.—The Advisory Commission established under subsection (a)(1) shall terminate upon the submission of its report under subsection (c)(1), and each Advisory Commission reestablished under subsection (a)(2) shall terminate six months after the date on which all members of the Advisory Commission are first appointed under subsection (c).


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