

HINCHLIFFE STADIUM HERITAGE ACT

MAY 6, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 2430]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2430) to adjust the boundaries of Paterson Great Falls National Historical Park to include Hinchliffe Stadium, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hinchliffe Stadium Heritage Act”.

SEC. 2. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT.

Section 7001 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 4101ll) is amended as follows:

(1) In subsection (b)(3)—

(A) by striking “The Park shall” and inserting “(A) The Park shall”;

(B) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively; and

(C) by adding at the end the following:

“(B) In addition to the lands described in subparagraph (A), the Park shall include the approximately 6 acres of land containing Hinchliffe Stadium and generally depicted as the ‘Boundary Modification Area’ on the map entitled ‘Paterson Great Falls National Historical Park, Proposed Boundary Modification’, numbered T03/120,155, and dated April 2014, which shall be administered as part of the Park in accordance with subsection (c)(1) and section 3 of the Hinchliffe Stadium Heritage Act.”

(2) In subsection (b)(4), by striking “The Map” and inserting “The Map and the map referred to in paragraph (3)(B)”.

(3) In subsection (c)(4)—

(A) in subparagraph (A), by striking “The Secretary” and inserting “Except as provided in subparagraphs (B) and (C), the Secretary”; and

(B) by inserting after subparagraph (B) the following:

“(C) HINCHLIFFE STADIUM.—The Secretary may not acquire fee title to Hinchliffe Stadium, but may acquire a preservation easement in Hinchliffe Stadium if the Secretary determines that doing so will facilitate resource protection of the stadium.”.

SEC. 3. ADDITIONAL CONSIDERATIONS FOR HINCHLIFFE STADIUM.

In administering the approximately 6 acres of land containing Hinchliffe Stadium and generally depicted as the “Boundary Modification Area” on the map entitled “Paterson Great Falls National Historical Park, Proposed Boundary Modification”, numbered T03/120,155, and dated April 2014, the Secretary of the Interior—

(1) may not include non-Federal property within the approximately 6 acres of land as part of Paterson Great Falls National Historical Park without the written consent of the owner;

(2) may not acquire by condemnation any land or interests in land within the approximately 6 acres of land; and

(3) shall not construe this Act or the amendments made by this Act to create buffer zones outside the boundaries of the Paterson Great Falls National Historical Park. That activities or uses can be seen, heard or detected from areas within the approximately 6 acres of land added to the Paterson Great Falls National Historical Park by this Act shall not preclude, limit, control, regulate or determine the conduct or management of activities or uses outside of the Paterson Great Falls National Historical Park.

PURPOSE OF THE BILL

The purpose of H.R. 2430 is to adjust the boundaries of Paterson Great Falls National Historical Park to include Hinchliffe Stadium.

BACKGROUND AND NEED FOR LEGISLATION

Hinchliffe Stadium is an historic 10,000-seat municipal stadium in Paterson, New Jersey, built in 1931–1932 and surrounded by the city’s National Landmark Historic District. It is one of only a handful of stadiums surviving that once played host to significant Negro League baseball.

When Congress created the Paterson Great Falls National Historical Park in 2009, it also requested a study of the stadium as a possible National Historic Landmark. Following a successful finding, the designation was made in March 2013.

The stadium was originally owned by the municipality, but eventually passed to the school system. After years of deterioration, it was taken out of use in the mid-1990s. Currently, work has been approved by the city that will continue restoration work.

H.R. 2430 amends the boundaries of the National Park Service managed Paterson Great Falls National Historical Park to include the stadium, but does not require federal ownership. Under current law, the property could only be acquired by donation.

During Full Committee markup of the bill, the Committee adopted an amendment offered by Congressman Raúl M. Grijalva (D–AZ) that would prohibit the Secretary of the Interior from acquiring title to the stadium. The committee also adopted an amendment offered by Congressman Rob Bishop (R–UT) that would prohibit condemnation, require written consent of the owner to include the stadium in the park boundaries, and prevent the creation of buffer zones.

COMMITTEE ACTION

H.R. 2430 was introduced on June 19, 2013, by Congresswoman Bill Pascrell, Jr. (D–NJ). The bill was referred to the Committee on Natural Resources, and within the Committee to the Sub-

committee on Public Lands and Environmental Regulation. On March 6, 2014, the Subcommittee held a hearing on the bill. On April 9, 2014, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated #1; the amendment was adopted by unanimous consent. Congressman Raúl Grijalva (D-AZ) offered an amendment designated .020; the amendment was adopted by unanimous consent. The bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 2430—Hinchliffe Stadium Heritage Act of 2013

H.R. 2430 would expand the Paterson Great Falls National Historical Park in the state of New Jersey to include the Hinchliffe Stadium. In March 2013, the National Park Service (NPS) designated the stadium as a national historic landmark. Based on information provided by NPS, CBO estimates that implementing the legislation would have no significant effect on the federal budget. Enacting H.R. 2430 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that the legislation would not significantly increase the park's operation costs and would not increase the cost to acquire land for the park unit. H.R. 2430 would authorize NPS to acquire a preservation easement for the stadium and would prohibit the acquisition of title to the property. CBO estimates that the legislation would increase costs for survey work and the transfer of an easement. However, those costs would be less than \$100,000. CBO estimates that any spending for cooperative agreements with the stadium owners under H.R. 2430 to restore the stadium also could be incurred under current law.

H.R. 2430 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the National Park Service, CBO estimates that implementing the legislation would have no significant effect on the federal budget.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to adjust the boundaries of Paterson Great Falls National Historical Park to include Hinchliffe Stadium.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

* * * * *

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

SEC. 7001. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) DEFINITIONS.—In this section:

(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 subsection (e)(1).

(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 subsection (d).

(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 subsection (b)(1)(A).

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

(8) STATE.—The term “State” means the State of New Jersey.

(b) PATERSON GREAT FALLS NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

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

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

(i)(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—

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

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

(ii) 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 section; and

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

(2) 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.

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

[(A)] (i) The upper, middle, and lower raceways.

[(B)] (ii) Mary Ellen Kramer (Great Falls) Park and adjacent land owned by the City.

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

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

[(E)] (v) The Allied Textile Printing site, including the Colt Gun Mill ruins, Mallory Mill ruins, Waverly Mill ruins, and Todd Mill ruins.

[(F)] (vi) The Rogers Locomotive Company Erecting Shop, including the Paterson Museum.

[(G)] (vii) The Great Falls Visitor Center.

(B) *In addition to the lands described in subparagraph (A), the Park shall include the approximately 6 acres of land containing Hinchliffe Stadium and generally depicted as the “Boundary Modification Area” on the map entitled “Paterson Great Falls National Historical Park, Proposed Boundary Modification”, numbered T03/120,155, and dated April 2014, which shall be administered as part of the Park in accordance with subsection (c)(1) and section 3 of the Hinchliffe Stadium Heritage Act.*

(4) AVAILABILITY OF MAP.—**[The Map]** *The Map and the map referred to in paragraph (3)(B)* shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) PUBLICATION OF NOTICE.—Not later than 60 days after the date on which the conditions in clauses (i) and (ii) of paragraph (1)(B) 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.

(c) ADMINISTRATION.—

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

(A) this section; and

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

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

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

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

(A) to exercise civil and criminal jurisdiction; or

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

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—As the Secretary determines to be appropriate to carry out this section, 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.

(B) RIGHT OF ACCESS.—A cooperative agreement entered into under subparagraph (A) 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—

(i) conducting visitors through the properties; and

(ii) interpreting the properties for the public.

(C) CHANGES OR ALTERATIONS.—No changes or alterations shall be made to any properties covered by a cooperative agreement entered into under subparagraph (A) unless the Secretary and the other party to the agreement agree to the changes or alterations.

(D) CONVERSION, USE, OR DISPOSAL.—Any payment made by the Secretary under this paragraph shall be subject to an agreement that the conversion, use, or disposal of a project for purposes contrary to the purposes of this section, as determined by the Secretary, shall entitle the United States to reimbursement in amount equal to the greater of—

(i) the amounts made available to the project by the United States; or

(ii) the portion of the increased value of the project attributable to the amounts made available under this paragraph, as determined at the time of the conversion, use, or disposal.

(E) MATCHING FUNDS.—

(i) IN GENERAL.—As a condition of the receipt of funds under this paragraph, 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.

(ii) FORM.—With the approval of the Secretary, the non-Federal share required under clause (i) may be in the form of donated property, goods, or services from a non-Federal source.

(4) ACQUISITION OF LAND.—

(A) IN GENERAL.—**[The Secretary]** *Except as provided in subparagraphs (B) and (C), the Secretary may acquire land or interests in land within the boundary of the Park by do-*

nation, purchase from a willing seller with donated or appropriated funds, or exchange.

(B) 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.

(C) HINCHLIFFE STADIUM.—*The Secretary may not acquire fee title to Hinchliffe Stadium, but may acquire a preservation easement in Hinchliffe Stadium if the Secretary determines that doing so will facilitate resource protection of the stadium.*

(5) 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.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to carry out this subsection, the Secretary, in consultation with the Commission, shall complete a management plan for the Park in accordance with—

(A) 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

(B) other applicable laws.

(2) 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.

(3) SUBMISSION TO CONGRESS.—On completion of the management plan, the Secretary shall submit the management plan to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(e) PATERSON GREAT FALLS NATIONAL HISTORICAL PARK ADVISORY COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the “Paterson Great Falls National Historical Park Advisory Commission”.

(2) DUTIES.—The duties of the Commission shall be to advise the Secretary in the development and implementation of the management plan.

(3) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 9 members, to be appointed by the Secretary, of whom—

(i) 4 members shall be appointed after consideration of recommendations submitted by the Governor of the State;

(ii) 2 members shall be appointed after consideration of recommendations submitted by the City Council of Paterson, New Jersey;

(iii) 1 member shall be appointed after consideration of recommendations submitted by the Board of Chosen Freeholders of Passaic County, New Jersey; and

- (iv) 2 members shall have experience with national parks and historic preservation.
- (B) INITIAL APPOINTMENTS.—The Secretary shall appoint the initial members of the Commission not later than the earlier of—
 - (i) the date that is 30 days after the date on which the Secretary has received all of the recommendations for appointments under subparagraph (A); or
 - (ii) the date that is 30 days after the Park is established in accordance with subsection (b).
- (4) TERM; VACANCIES.—
 - (A) TERM.—
 - (i) IN GENERAL.—A member shall be appointed for a term of 3 years.
 - (ii) REAPPOINTMENT.—A member may be reappointed for not more than 1 additional term.
 - (B) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.
- (5) MEETINGS.—The Commission shall meet at the call of—
 - (A) the Chairperson; or
 - (B) a majority of the members of the Commission.
- (6) QUORUM.—A majority of the Commission shall constitute a quorum.
- (7) CHAIRPERSON AND VICE CHAIRPERSON.—
 - (A) IN GENERAL.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.
 - (B) VICE CHAIRPERSON.—The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.
 - (C) TERM.—A member may serve as Chairperson or Vice Chairman for not more than 1 year in each office.
- (8) COMMISSION PERSONNEL MATTERS.—
 - (A) COMPENSATION OF MEMBERS.—
 - (i) IN GENERAL.—Members of the Commission shall serve without compensation.
 - (ii) 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.
 - (B) STAFF.—
 - (i) 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.
 - (ii) 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.

(9) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) TERMINATION.—The Commission shall terminate 10 years after the date of enactment of this Act.

(f) STUDY OF HINCHLIFFE STADIUM.—

(1) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to carry out this section, the Secretary shall complete a study regarding the preservation and interpretation of Hinchliffe Stadium, which is listed on the National Register of Historic Places.

(2) INCLUSIONS.—The study shall include an assessment of—

(A) the potential for listing the stadium as a National Historic Landmark; and

(B) options for maintaining the historic integrity of Hinchliffe Stadium.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

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