

Union Calendar No. 347

103D CONGRESS
2D SESSION

H. R. 4448

[Report No. 103-641]

A BILL

To amend the Act establishing Lowell National
Historical Park, and for other purposes.

AUGUST 1, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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To amend the Act establishing Lowell National Historical Park, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 1994

Mr. MEEHAN introduced the following bill; which was referred to the Committee on Natural Resources

AUGUST 1, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 18, 1994]

A BILL

To amend the Act establishing Lowell National Historical Park, 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. AMENDMENTS.**

4 *The Act entitled "An Act to provide for the establish-*
5 *ment of the Lowell National Historical Park in the Com-*

1 *monwealth of Massachusetts, and for other purposes” ap-*
2 *proved June 5, 1978 (92 Stat. 290; 16 U.S.C. 410cc et seq.),*
3 *is amended as follows:*

4 (1) *In section 103(a)(2), by striking*
5 *“\$33,600,000” and inserting “\$43,930,000”. The*
6 *amendment made by this paragraph shall take effect*
7 *on October 1, 1994.*

8 (2) *In section 203, by adding at the end thereof*
9 *the following new subsection:*

10 “(c) *LOAN AND GRANT AGREEMENTS.—Upon termi-*
11 *nation of the Commission, the Secretary, acting through the*
12 *National Park Service, shall assume all responsibilities of*
13 *the Commission for administration and oversight of the*
14 *loan and grant agreements under section 303.”.*

15 (3) *In section 205, by adding at the end thereof*
16 *the following new subsection:*

17 “(e) *LEASING AUTHORITY.—(1) In addition to other*
18 *available authorities, the Secretary may, in his discretion,*
19 *negotiate and enter into leases, as appropriate, with any*
20 *person, firm, association, organization, corporation or gov-*
21 *ernmental entity for the use of any property within the*
22 *Park and Preservation District in accordance with the Gen-*
23 *eral Management Plan and any of the purposes set forth*
24 *in section 1 of this Act.*

1 “(2) Any leases entered into under this subsection shall
2 be subject to such procedures, terms, conditions and restric-
3 tions as the Secretary deems necessary. The Secretary is
4 authorized to negotiate and enter into leases or other agree-
5 ments, at fair market value and without regard to section
6 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C.
7 303b). For purposes of any such lease or other agreements,
8 the Secretary may adjust the rental by taking into account
9 any amounts to be expended by the lessee for preservation,
10 maintenance, restoration, improvement, repair and related
11 expenses with respect to the leased properties.

12 “(3) The proceeds from leases under this subsection
13 shall be retained by the Secretary, be available without fur-
14 ther appropriation, remain available until expended, and
15 be used to offset the costs of preservation, interpretation,
16 restoration, maintenance, improvement, repair, and related
17 expenses, including administration related to such expenses,
18 incurred by the Secretary with respect to properties within
19 the Park and Preservation District, with the balance used
20 to offset other costs incurred by the Secretary in the admin-
21 istration of the Park.

22 “(4) Each lessee of a lease entered into under this sub-
23 section shall keep such records as the Secretary may pre-
24 scribe to enable the Secretary to determine that all terms
25 of the lease have been, and are being, faithfully performed.

1 “(5) The Secretary shall annually prepare and submit
2 to Congress a report on property leased under this sub-
3 section.”.

4 (4) In section 301(i), by striking “seventeen”
5 and inserting “22”.

6 (5) In section 303(a), by amending paragraph
7 (1) to read as follows:

8 “(1) The loan to the corporation shall have a
9 maturity of 35 years. At the end of such period, the
10 corporation shall repay to the Secretary of the Treas-
11 ury (in a lump sum) for deposit in the general fund
12 of the Treasury the full amount of the loan and any
13 additional amounts accruing to the corporation pur-
14 suant to this subsection excepting principal and in-
15 terest losses occasioned by loan defaults after all rea-
16 sonable efforts at collection have been completed plus
17 those amounts expended by the Corporation for rea-
18 sonable administrative expenses. The Commission is
19 further authorized to renegotiate the terms and condi-
20 tions respecting loan repayment of the agreement
21 dated December 8, 1980, with the Lowell Development
22 and Financial Corporation. The authority provided
23 in this paragraph shall be available only to the extent
24 that appropriations for a subsidy cost, as defined in

1 *section 502 of the Congressional Budget Act of 1974,*
2 *are made in advance.”.*

3 (6) *In section 305(g), by inserting before the pe-*
4 *riod at the end thereof “for administration by the Na-*
5 *tional Park Service in accordance with the general*
6 *management plan”.*

7 (7) *By adding after section 307 the following:*

8 **“SEC. 308. ADVISORY COMMITTEE.**

9 “(a) *ESTABLISHMENT OF ADVISORY COMMITTEE.—*
10 *Upon the termination of the Commission, the Secretary*
11 *shall establish a committee to be known as the Lowell Na-*
12 *tional Historical Park Advisory Committee (hereinafter in*
13 *this section referred to as the ‘Advisory Committee’).*

14 “(b) *MEMBERSHIP.—The Advisory Committee shall be*
15 *composed of 15 members appointed by the Secretary.*

16 “(c) *CHAIRPERSON.—The Advisory Committee shall*
17 *designate one of its members as Chairperson.*

18 “(d) *QUORUM.—Eight members of the Advisory Com-*
19 *mittee shall constitute a quorum. The Advisory Committee*
20 *shall act and advise by affirmative vote of a majority of*
21 *the members voting at a meeting at which a quorum is*
22 *present. The Advisory Committee shall meet on a regular*
23 *basis. Notice of meetings and agenda shall be published in*
24 *local newspapers which have a distribution which generally*
25 *covers the area affected by the park and preservation dis-*

1 *trict. Advisory Committee meetings shall be held at loca-*
2 *tions and in such a manner as to ensure adequate public*
3 *involvement.*

4 “(e) *FUNCTIONS.*—*The Advisory Committee shall ad-*
5 *vice the Secretary on the operation, maintenance, develop-*
6 *ment, and programming of the park and preservation dis-*
7 *trict.*

8 “(f) *SUPPORT AND TECHNICAL SERVICES.*—*In order*
9 *to provide staff support and technical services to assist the*
10 *Advisory Committee in carrying out its duties under this*
11 *Act, upon request of the Advisory Committee, the Secretary*
12 *is authorized to detail any personnel of the National Park*
13 *Service to the Advisory Committee.*

14 “(g) *PER DIEM.*—*Members of the Advisory Committee*
15 *shall serve without compensation but shall be entitled to*
16 *travel expenses, including per diem in lieu of subsistence,*
17 *in the same manner as persons employed intermittently in*
18 *Government service under section 5703 of title 5, United*
19 *States Code.*

20 “(h) *FACA.*—*The provisions of section 14(b) of the*
21 *Federal Advisory Committee Act (5 U.S.C. Appendix; 86*
22 *Stat. 776), are hereby waived with respect to the Advisory*
23 *Committee.*

24 “(i) *VACANCIES.*—*Any vacancy in the Advisory Com-*
25 *mittee shall be filled in the same manner in which the origi-*

1 *nal appointment was made. Any member may serve after*
2 *the expiration of his term until his successor is appointed.*

3 “(j) *TERMINATION.—The Advisory Committee shall*
4 *terminate on June 5, 2010.”*