

103^D CONGRESS
2^D SESSION

H. R. 4448

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27 (legislative day, SEPTEMBER 12), 1994

Received

AN ACT

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

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

5 (2) In section 203, by adding at the end thereof
6 the following new subsection:

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

12 (3) In section 205, by adding at the end thereof
13 the following new subsection:

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

22 “(2) Any leases entered into under this subsection
23 shall be subject to such procedures, terms, conditions and
24 restrictions as the Secretary deems necessary. The Sec-
25 retary is authorized to negotiate and enter into leases or

1 other agreements, at fair market value and without regard
2 to section 321 of chapter 314 of the Act of June 30, 1932
3 (40 U.S.C. 303b). For purposes of any such lease or other
4 agreements, the Secretary may adjust the rental by taking
5 into account any amounts to be expended by the lessee
6 for preservation, maintenance, restoration, improvement,
7 repair and related expenses with respect to the leased
8 properties.

9 “(3) Surplus proceeds from leases entered into under
10 section 111 of the National Historic Preservation Act (16
11 U.S.C. 470h-3) with respect to property in the Park and
12 Preservation District, and all proceeds from all other
13 leases entered into under this subsection, shall be retained
14 by the Secretary, remain available until expended, and,
15 subject to appropriation, be used to offset the costs of
16 preservation, interpretation, restoration, maintenance, im-
17 provement, repair, and related expenses, including admin-
18 istration related to such expenses, incurred by the Sec-
19 retary with respect to properties within the Park and
20 Preservation District, with the balance used to offset other
21 costs incurred by the Secretary in the administration of
22 the Park.

23 “(4) Each lessee of a lease entered into under this
24 subsection shall keep such records as the Secretary may
25 prescribe to enable the Secretary to determine that all

1 terms of the lease have been, and are being, faithfully per-
2 formed.

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

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

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

10 “(1) The loan to the corporation shall have a
11 maturity of 35 years. At the end of such period, the
12 corporation shall repay to the Secretary of the
13 Treasury (in a lump sum) for deposit in the general
14 fund of the Treasury the full amount of the loan and
15 any additional amounts accruing to the corporation
16 pursuant to this subsection excepting principal and
17 interest losses occasioned by loan defaults after all
18 reasonable efforts at collection have been completed
19 plus those amounts expended by the Corporation for
20 reasonable administrative expenses. The Commission
21 is further authorized to renegotiate the terms and
22 conditions respecting loan repayment of the agree-
23 ment dated December 8, 1980, with the Lowell De-
24 velopment and Financial Corporation. The authority
25 provided in this paragraph shall be available only to

1 the extent that appropriations for a subsidy cost, as
2 defined in section 502 of the Congressional Budget
3 Act of 1974, are made in advance.”.

4 (6) In section 305(g), by inserting before the
5 period at the end thereof “for administration by the
6 National Park Service in accordance with the gen-
7 eral management plan”.

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

9 **“SEC. 308. ADVISORY COMMITTEE.**

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

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

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

19 “(d) QUORUM.—Eight members of the Advisory
20 Committee shall constitute a quorum. The Advisory Com-
21 mittee shall act and advise by affirmative vote of a major-
22 ity of the members voting at a meeting at which a quorum
23 is present. The Advisory Committee shall meet on a regu-
24 lar basis. Notice of meetings and agenda shall be pub-
25 lished in local newspapers which have a distribution which

1 generally covers the area affected by the park and preser-
2 vation district. Advisory Committee meetings shall be held
3 at locations and in such a manner as to ensure adequate
4 public involvement.

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

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

15 “(g) PER DIEM.—Members of the Advisory Commit-
16 tee shall serve without compensation but shall be entitled
17 to travel expenses, including per diem in lieu of subsist-
18 ence, in the same manner as persons employed intermit-
19 tently in Government service under section 5703 of title
20 5, United States Code.

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

1 “(i) VACANCIES.—Any vacancy in the Advisory Com-
2 mittee shall be filled in the same manner in which the
3 original appointment was made. Any member may serve
4 after the expiration of his term until his successor is ap-
5 pointed.

6 “(j) TERMINATION.—The Advisory Committee shall
7 terminate on June 5, 2010.

8 **“SEC. 309. COMPTROLLER GENERAL REVIEW.**

9 “(a) DEADLINE.—No later than January 1, 1996,
10 the Comptroller General of the United States shall con-
11 duct the audit described in subsection (b) and submit to
12 Congress a report concerning the results of such audit.

13 “(b) AUDIT.—The audit required by subsection (a)
14 shall deal only with those activities and expenditures au-
15 thorized by this Act and shall—

16 “(1) review the authorities of the National Park
17 Service and the Lowell Historic Park Advisory Com-
18 mission and compare them with those of similar
19 units of the National Park System;

20 “(2) undertake a detailed assessment of all
21 major Federal expenditures made by the National
22 Park Service and the Lowell Historic Park Advisory
23 Commission;

24 “(3) examine all loans made by the Lowell De-
25 velopment and Financial Corporation related to the

1 Lowell National Historical Park and document the
2 status of those loans which have not been fully
3 repaid;

4 “(4) identify the extent of non-Federal invest-
5 ment that has been generated because of Federal
6 spending authorized by this Act; and

7 “(5) review all Federal activities and expendi-
8 tures associated with renovating the Nesmith House
9 and give the current status of that effort.”.

10 (8) By adding at the end the following:

11 **“TITLE IV—BUY AMERICAN**

12 **“SEC. 401. PURCHASE OF AMERICAN MADE EQUIPMENT**
13 **AND PRODUCTS.**

14 “(a) SENSE OF CONGRESS.—It is the sense of the
15 Congress that, to the greatest extent practicable, all equip-
16 ment and products purchased with funds made available
17 pursuant to this Act should be American made.

18 “(b) NOTICE REQUIREMENT.—In providing financial
19 assistance to, or entering into any contract with, any en-
20 tity using funds made available pursuant to this Act, the
21 Commission, to the greatest extent practicable, shall pro-

- 1 vide to such entity a notice describing the statement made
- 2 in subsection (a) by the Congress.”.

Passed the House of Representatives September 26,
1994.

Attest: DONNALD K. ANDERSON,
Clerk.