

consider to be inconsistent with such standards and criteria;

(2) after the city of Lowell has established the regulations or laws described in subparagraph (1) of this paragraph, the city of Lowell has granted any building permit or zoning variance or has taken any other action respecting any property within the park or preservation district, which either the Secretary or the Commission consider to be inconsistent with such regulations or laws; or

(d) the Commission has not made good faith efforts to (1) provide for the preservation, restoration, management, development, or maintenance of property within the park and preservation district or (2) carry out the park preservation plan approved under section 410cc-32 of this title.

(Pub. L. 95-290, title II, §204, June 5, 1978, 92 Stat. 294.)

#### **§ 410cc-25. Administrative functions**

##### **(a) Implementation of park management plan; emergency assistance for protection of property owners; availability of funds for Commission**

(1) The Secretary, acting through the National Park Service, shall take appropriate actions to implement to the extent practicable the park management plan established pursuant to section 410cc-21(b) of this title. In carrying out such plan, the Secretary shall administer the park in accordance with laws, rules, and regulations applicable to the national park system. Before the date on which the Commission conducts its first meeting, the Secretary may take any other action the Secretary deems necessary to provide owners of property with national historic or cultural significance within the park or preservation district with emergency assistance for the purpose of preserving and protecting their property in a manner consistent with the purpose of this subchapter.

(2) Subject to sections 410cc-24 and 410cc-32(b) of this title, the Secretary shall make available to the Commission any funds appropriated under section 410cc-13(a)(2) of this title for the purpose of carrying out part C of this subchapter.

##### **(b) Acceptance of donations of funds, property, or services for implementation of park management plan**

Notwithstanding any other provisions of law, the Secretary may accept donations of funds, property, or services from individuals, foundations, corporations, and other private entities, and from public entities, for the purpose of implementing the park management plan.

##### **(c) Sponsorship or coordination of educational or cultural programs**

The Secretary may sponsor or coordinate within the park and preservation district such educational or cultural programs as the Secretary considers appropriate to encourage appreciation of the resources of the park and preservation district.

##### **(d) Acquisition of leases**

The Secretary may acquire such leases respecting property within the park as may be

necessary to carry out the purpose of this subchapter.

(Pub. L. 95-290, title II, §205, June 5, 1978, 92 Stat. 295.)

#### **PART C—POWERS AND DUTIES OF PRESERVATION COMMISSION**

#### **§ 410cc-31. Lowell Historic Preservation Commission**

##### **(a) Establishment and administrative role; composition of membership**

There is established within the Department of the Interior a commission to be known as the Lowell Historic Preservation Commission which shall administer the preservation district and provide certain services within the park in accordance with this part. The Commission shall consist of fifteen members appointed by the Secretary as follows:

(1) Three members who are members of the city council of Lowell, appointed from recommendations made by the mayor of Lowell.

(2) Three members appointed from recommendations made by the city manager of Lowell of persons who are representative of organized labor, the business community, local neighborhoods, and cultural institutions, and who are not elected officials.

(3) One member appointed from recommendations made by the president of the University of Lowell.

(4) Three members appointed from recommendations made by the Governor of the Commonwealth of Massachusetts.

(5) One member appointed from recommendations made by the Secretary of Commerce and who shall be an employee of the Department of Commerce.

(6) One member appointed from recommendations made by the Secretary of Transportation and who shall be an employee of the Department of Transportation.

(7) One member appointed from recommendations made by the Secretary of Housing and Urban Development and who shall be an employee of the Department of Housing and Urban Development.

(8) Two members who are qualified to serve on the Commission because of their familiarity with programs of the Department of the Interior involving national parks and historic preservation and who shall be an employee of the Department of the Interior.

##### **(b) Continuation of status as appointed member for member leaving government office or becoming elected official of government; duration**

If any member of the Commission who was appointed to the Commission under paragraph (1) or (4) of subsection (a) of this section as a member of the city council of Lowell or any other government leaves that office, or if any member of the Commission who was appointed from persons who are not elected officials of any government becomes an elected official of a government, such person may continue as a member of the Commission for not longer than the thirty-day period beginning on the date such person

leaves that office or becomes such an elected official, as the case may be.

**(c) Terms of office and reappointment of members**

(1) Except as provided in paragraph (2) of this subsection, members shall be appointed for terms of two years. A member may be reappointed only three times unless such member was originally appointed to fill a vacancy pursuant to subsection (e)(1) of this section, in which case such member may be reappointed four times.

(2) Of the members first appointed pursuant to subsection (a) of this section, the following shall be appointed for terms of three years:

(A) The members appointed pursuant to paragraphs (2), (3), and (8) of such subsection.

(B) One of the members appointed pursuant to paragraph (4) of such subsection, as designated by the Secretary at the time of appointment upon recommendation of the Governor.

**(d) Chairman; election by members; term of office**

The chairman of the Commission shall be elected by the members of the Commission. The term of the chairman shall be two years.

**(e) Vacancies; appointment and term of office; service after expiration of term**

(1) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(2) Any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. Any member may serve after the expiration of his term until his successor is appointed.

**(f) Quorum and holding of hearings**

Eight members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

**(g) Meetings**

The Commission shall meet at least once each month, at the call of the chairman or a majority of its members.

**(h) Compensation; travel expenses and per diem**

(1) Except as provided in paragraph (2) of this subsection, members of the Commission shall each be entitled to receive \$100 for each day (including travel time) during which they are engaged in the performance of the duties of the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States, the city of Lowell, or the Commonwealth of Massachusetts shall receive no additional pay on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

**(i) Termination**

The Commission established pursuant to this subchapter shall cease to exist seventeen years from June 5, 1978.

(Pub. L. 95-290, title III, §301, June 5, 1978, 92 Stat. 295; Pub. L. 100-134, §1(2), (3), Oct. 16, 1987, 101 Stat. 810.)

AMENDMENTS

1987—Subsec. (e)(2). Pub. L. 100-134, §1(2), substituted “until his successor is appointed” for “for a period not longer than thirty days”.

Subsec. (i). Pub. L. 100-134, §1(3), substituted “seventeen” for “ten”.

**§ 410cc-32. Park preservation plan and index**

**(a) Submission by Commission and approval or disapproval by Secretary of draft and final plans; procedures applicable; revisions in approved plan**

(1) Within one year after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a draft park preservation plan meeting the requirements of subsection (c) of this section. The Secretary shall review the draft park preservation plan and, within ninety days after the date on which such plan is submitted to the Secretary, suggest appropriate changes in such plan to the Commission.

(2) Within eighteen months after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a park preservation plan which meets the requirements of subsection (c) of this section. The Secretary shall, within ninety days after the date on which such plan is submitted to the Secretary, approve or disapprove such plan. The Secretary may not approve such plan unless the Secretary determines that such plan would adequately carry out the purpose of this subchapter.

(3) If the Secretary disapproves a park preservation plan, the Secretary shall advise the Commission of the reasons for such disapproval together with the recommendations of the Secretary for revision of such plan. Within such period as the Secretary may designate, the Commission shall submit a revised park preservation plan to the Secretary. The Secretary shall approve or disapprove any revised park preservation plan in the same manner as required in paragraph (2) of this subsection for the approval or disapproval of the original park preservation plan.

(4) If the Secretary approves a park preservation plan, the Secretary shall publish notice of such approval in the Federal Register and shall forward copies of the approved plan to the Congress.

(5) Any park preservation plan or draft plan submitted to the Secretary under this subsection shall, upon request, be available to the public.

(6) No changes other than minor revisions may be made in the approved park preservation plan without the approval of the Secretary. The Secretary shall approve or disapprove any proposed change in the approved park preservation plan, except minor revisions in the same manner as required in paragraph (2) of this subsection for the approval or disapproval of the original park preservation plan.