

§ 410cc-13. Authorization of appropriations**(a) General authority; maximum amounts**

There are authorized to be appropriated such sums as may be necessary to carry out this subchapter, except that—

(1) the total of the amounts authorized to be appropriated for the purpose of acquisition and development under the park management plan established pursuant to section 410cc-21(b) of this title and emergency assistance under section 410cc-25(a)(1) of this title shall not exceed \$19,800,000; and

(2) the total of the amounts authorized to be appropriated for the purpose of carrying out section 410cc-32(b)(2) of this title, for the payment of grants and loans under section 410cc-33 of this title, for the acquisition of property under section 410cc-34 of this title, and for carrying out any transportation program and any educational and cultural program described in section 410cc-32(c) of this title shall not exceed \$33,600,000.

(b) Commencement date

No funds shall be authorized pursuant to this section prior to October 1, 1978.

(c) Availability of appropriations

Funds appropriated under subsection (a) of this section shall remain available until expended.

(d) Aggregate amount of money expended; certifying statement to Congress as limiting availability of appropriated amounts

(1) Within 60 days after June 5, 1978, and on each subsequent October 1 and March 1, the Secretary shall submit to the Congress a statement certifying the aggregate amount of money expended by the Commonwealth of Massachusetts, the city of Lowell, and by any nonprofit entity for activities in the city of Lowell consistent with the purpose of this subchapter during the period beginning on January 1, 1974, and ending on the date such statement is submitted.

(2) The aggregate amount of funds made available by the Secretary to the Commission from funds appropriated under subsection (a)(2) of this section may not exceed the amount certified by the Secretary in the most recent statement submitted to the Congress under paragraph (1) of this subsection.

(Pub. L. 95-290, title I, §103, June 5, 1978, 92 Stat. 292; Pub. L. 100-134, §1(1), Oct. 16, 1987, 101 Stat. 810.)

AMENDMENTS

1987—Subsec. (a). Pub. L. 100-134 substituted “\$19,800,000” for “\$18,500,000” in par. (1), and “\$33,600,000” for “\$21,500,000” in par. (2).

EFFECTIVE DATE OF 1987 AMENDMENT

Section 2 of Pub. L. 100-134 provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by section 1 [amending sections 410cc-13 and 410cc-31 of this title] shall take effect on the date of the enactment of this Act [Oct. 16, 1987].”

“(b) EFFECTIVE DATE OF AUTHORIZATION OF APPROPRIATION.—The amendments made by section 1(1) [amending section 410cc-13 of this title] shall take effect on October 1, 1987.”

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual,

semiannual, or other regular periodic report listed in House Document No. 103-7 (in which a report required under subsec. (d)(1) of this section is listed on page 108), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

§ 410cc-14. Funding limitations

Notwithstanding any other provision of this subchapter, no authority to enter into agreements or to make payments under this subchapter shall be effective except to the extent, or in such amounts, as may be provided in advance in appropriation Acts.

(Pub. L. 95-290, title I, §104, June 5, 1978, 92 Stat. 292.)

PART B—POWERS AND DUTIES OF SECRETARY

§ 410cc-21. Park management plan**(a) Submission date and contents of preparatory statement to Congress**

The Secretary shall submit a statement to the Congress, within two years after the date on which funds are made available to carry out this subchapter, which—

(1) reports on the progress that the Secretary has made in acquiring the properties identified under section 410cc-22 of this title, and describes the way the Secretary intends to use these properties;

(2) identifies the properties within the park and preservation district respecting which the Secretary has entered into or intends to enter into agreements relating to interpretive exhibits or programs under section 410cc-23(a) of this title;

(3)(A) reports on the progress of the Secretary in leasing a portion of the Lowell Manufacturing Company, located on Market Street, for the purpose of establishing a visitors' center in close proximity to parking and other transportation facilities, and (B) identifies any other property within the park which the Secretary has leased or intends to lease for purposes of the park;

(4) reports any other activities which the Secretary has taken or intends to take to carry out the purpose of this subchapter; and

(5) contains a tentative budget for the park and preservation district for the subsequent five fiscal years.

(b) Establishment, submission date, contents, etc., of plan

(1) Not later than three years after the date on which funds are made available to carry out this subchapter, the Secretary shall establish and submit to the Congress a park management plan containing the information described in subsection (a) of this section. Such plan shall, upon request, be available to the public.

(2) After consulting with the Commission, the city manager of Lowell, and the Commonwealth of Massachusetts, the Secretary may make revisions in the park management plan established pursuant to paragraph (1) of this subsection by publication of such revisions in the Federal Register. A revision made under this paragraph shall be effective 90 days after written notice of the revision is submitted to the Congress.

(Pub. L. 95-290, title II, §201, June 5, 1978, 92 Stat. 292.)

§ 410cc-22. Acquisition of property

(a) Specified property; manner of acquisition

(1) The Secretary is authorized to acquire the properties designated in paragraph (2) of this subsection, or any interest therein, by donation, purchase with donated or appropriated funds, condemnation, or otherwise. Any property or interest therein owned by the Commonwealth of Massachusetts or any political subdivision thereof may be acquired only by donation. The Secretary may initiate condemnation proceedings under this paragraph only after making every reasonable effort to acquire property through negotiations and purchase, and consulting with the Commission (if established) and the city council of Lowell.

(2) The properties referred to in paragraph (1) of this subsection are the following:

(A) The Linus Childs House, 63 Kirk Street.

(B) The H and H Paper Company (commonly referred to as Boott Mill Boarding House), 42 French Street.

(C) Old City Hall, 226 Merrimack Street.

(D) Merrimack Gatehouse, 269 Merrimack Street.

(E) The Wannalancit Textile Company, 562 Suffolk Street.

(F) The structures containing the Jade Pagoda and Solomon's Yard Goods, 210 and 200 Merrimack Street.

(G) The properties shown on the map identified in section 410cc-11(a)(3)¹ of this title as follows:

(i) 91 Pevey Street.

(ii) The portion of 607 Middlesex Place.

(iii) Eagle Court.

(iv) The portion of 50 Payne Street.

(v) 726 Broadway.

(b) Other property; criteria for acquisition; manner of acquisition

Until the date on which the Commission conducts its first meeting, the Secretary may acquire any property within the park or preservation district not designated in subsection (a)(2) of this section, or any interest therein, if such property—

(1) is identified in the report of the Lowell Historical Canal District Commission as a property which should be preserved, restored, managed, developed, or maintained in a manner consistent with the purpose of this subchapter;

(2) is listed in the National Register of Historic Places, as maintained by the Secretary pursuant to section 470a(a) of this title, and section 462(b) of this title; or

(3) is determined by the Secretary to be of national significance;

and would be subject to demolition or major alteration in a manner inconsistent with the purposes of this subchapter unless acquired by the Secretary. Such property may be acquired only as provided in subsection (a)(1) of this section.

(c) Easements; manner of acquisition

The Secretary may acquire easements within the park for the purpose of carrying out this

subchapter. Such easements may be acquired only as provided in subsection (a)(1) of this section.

(Pub. L. 95-290, title II, §202, June 5, 1978, 92 Stat. 293; Pub. L. 110-229, title III, §312(2), May 8, 2008, 122 Stat. 769.)

REFERENCES IN TEXT

Section 410cc-11(a)(3) of this title, referred to in subsec. (a)(2)(G), was in the original "subsection (101)(a)(3)" and was translated as meaning section 101(a)(3) of Pub. L. 95-290, which is classified to section 410cc-11(a)(3) of this title, to reflect the probable intent of Congress.

AMENDMENTS

2008—Subsec. (a)(2)(G). Pub. L. 110-229 added subpar. (G).

§ 410cc-23. Agreements and technical assistance

(a) Interpretative exhibits or programs

The Secretary may enter into agreements with any owner of property with national historic or cultural significance within the park to provide for interpretive exhibits or programs. Such agreements shall provide, whenever appropriate, that—

(1) the public may have access to such property at specified, reasonable times for purposes of viewing such property or the exhibits or attending the programs established by the Secretary under this subsection; and

(2) the Secretary may make such minor improvements to such property as the Secretary deems necessary to enhance the public use and enjoyment of such property, exhibits, and programs.

(b) Request for assistance

(1) The Secretary shall provide, upon request, technical assistance to—

(A) the city of Lowell to assist the city in establishing regulations or laws consistent with the standards and criteria established pursuant to section 410cc-32(e) of this title; and

(B) the Commission to assist the Commission in establishing the index and the standards and criteria required by section 410cc-32 of this title.

(2) The Secretary may provide to any owner of property within the park or preservation district, the Commission, the Commonwealth of Massachusetts, the city of Lowell, and any other Federal entity or any institution such technical assistance as the Secretary considers appropriate to carry out the purpose of this subchapter.

(Pub. L. 95-290, title II, §203, June 5, 1978, 92 Stat. 294.)

§ 410cc-24. Withholding of funds; criteria

The Secretary may refuse to obligate or expend any money appropriated for the purposes described in section 410cc-13(a)(1) or section 410cc-13(a)(2) of this title if the Secretary determines that—

(a) the city of Lowell has failed to establish regulations or laws consistent with the standards and criteria established pursuant to section 410cc-32(e) of this title within one year

¹ See References in Text note below.

after the date such standards and criteria have been established, except that the Secretary may extend such one-year period for not more than six months if the Secretary determines that the city has made a good faith effort to establish such regulations or laws;

(b) the city of Lowell has failed to notify the Commission of (1) applications for building permits or zoning variances respecting any property which is included in the index established pursuant to section 410cc-32(d) of this title, or (2) any proposals of the city of Lowell to change the regulations or laws described in paragraph (c)(1) of this subsection;

(c)(1) during the period before the city of Lowell has established regulations or laws consistent with the standards and criteria established pursuant to section 410cc-32(e) of this title, 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 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.