

95TH CONGRESS
2D SESSION

S. 2817

IN THE SENATE OF THE UNITED STATES

APRIL 3 (legislative day, FEBRUARY 6), 1978

Mr. BROOKE (for himself and Mr. KENNEDY) introduced the following bill;
which was read twice and referred to the Committee on Energy and Natural
Resources

A BILL

To provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, 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. (a) The Congress finds that—

4 (1) certain sites and structures in Lowell, Massa-
5 chusetts, historically and culturally the most significant
6 planned industrial city in the United States, symbolize
7 in physical form the Industrial Revolution;

8 (2) the cultural heritage of many of the ethnic
9 groups that immigrated to the United States during

1 the late nineteenth and early twentieth centuries is still
2 preserved in Lowell's neighborhoods;

3 (3) a very large proportion of the buildings, other
4 structures, and districts in Lowell date to the period
5 of the Industrial Revolution and are important historical
6 resources, including the five-and-six-tenths-mile
7 power canal system, seven original mill complexes, and
8 significant examples of early housing, commercial struc-
9 tures, transportation facilities, and buildings associated
10 with labor and social institutions; and

11 (4) despite the expenditure of substantial amounts
12 of money by the city of Lowell and the Commonwealth
13 of Massachusetts for historical and cultural preservation
14 and interpretation of Lowell, the early buildings and
15 other structures in Lowell may be lost without the assist-
16 ance of the Federal Government.

17 (b) It is the purpose of this Act to preserve and inter-
18 pret the historically and culturally significant sites, struc-
19 tures, and districts in Lowell, Massachusetts, for the benefit
20 and inspiration of present and future generations by imple-
21 menting to the extent practicable the recommendations in the
22 report of the Lowell Historic Canal District Commission.

23 DEFINITIONS

24 SEC. 2. For purposes of this Act—

25 (1) the term "park" means the Lowell National

1 Historical Park, established by sections 101 (a) (1) of
2 this Act;

3 (2) the term "preservation district" means the
4 Lowell Historic Preservation District, established by
5 section 101 (a) (1) of this Act;

6 (3) the term "Commission" means the Lowell
7 Historic Preservation Commission, established by sec-
8 tion 301 (a) of this Act;

9 (4) the term "Secretary" means the Secretary of
10 the Interior; and

11 (5) the term "report of the Lowell Historic Canal
12 District Commission" means the report submitted to the
13 Congress by the Lowell Historic Canal District Com-
14 mission pursuant to an Act entitled "An Act to provide
15 for a plan for the preservation, interpretation develop-
16 ment and use of the historic, cultural, and architectural
17 resources of the Lowell Historic Canal District in
18 Lowell, Massachusetts, and for other purposes", ap-
19 proved January 4, 1975 (88 Stat. 2330).

20 TITLE I—ESTABLISHMENT OF PARK

21 ESTABLISHMENTS; BOUNDARIES

22 SEC. 101. (a) (1) To carry out the purposes of this Act,
23 there is established as a unit of the National Park System
24 in the city of Lowell, Massachusetts, the Lowell National
25 Historical Park. There is further established in an area ad-

1 jacent to the park the Lowell Historic Preservation Dis-
2 trict, which will be administered by the Secretary and by
3 the Commission in accordance with this Act. The boundaries
4 of the park and preservation district shall be the boundaries
5 depicted on the map entitled "Lowell National Historical
6 Park, Massachusetts", dated March 1978, and numbered
7 "Lowe-80,008A". Such map shall be on file and available
8 for inspection in the office of the National Park Service,
9 Department of the Interior, and in the office of the city clerk,
10 city of Lowell.

11 (2) The Secretary shall publish in the Federal Register,
12 as soon as practicable after the date of the enactment of this
13 Act, a detailed description and map of the boundaries estab-
14 lished under paragraph (1) of this subsection.

15 (b) The Secretary may make minor revisions of the park
16 and preservation district boundaries established under sub-
17 section (a) (1) of this section, after consulting with the Com-
18 mission and the city manager of Lowell, by publication of a
19 revised drawing or other boundary description in the Federal
20 Register; but no waters, lands, or other property outside of
21 the park or preservation district boundaries established under
22 such subsection may be added to the park or preservation dis-
23 trict without the consent of the city manager of Lowell and
24 the city council of Lowell. A boundary revision made under

1 this subsection shall be effective only after timely notice in
2 writing is given to the Congress.

3 COOPERATION OF FEDERAL AGENCIES

4 SEC. 102. (a) Any Federal entity conducting or sup-
5 porting activities directly affecting the park or preservation
6 district shall—

7 (1) consult with, cooperate with, and to the maxi-
8 mum extent practicable, coordinate its activities with the
9 Secretary and with the Commission; and

10 (2) conduct or support such activities in a manner
11 which (A) to the maximum extent practicable is con-
12 sistent with the standards and criteria established pur-
13 suant to section 302 (e) of this Act, and (B) will not
14 have an adverse effect on the resources of the park or
15 preservation district.

16 (b) Any applicant for a required Federal license or per-
17 mit to conduct an activity within the park or preservation
18 district shall provide in the application to the entity issuing
19 such a license or permit a certification that the proposed
20 activity will be conducted in a manner consistent with the
21 standards and criteria established pursuant to section 302
22 (e) of this Act and that such activity will not have an ad-
23 verse effect on the resources of the park or preservation dis-
24 trict. No such license or permit shall be granted by any such

1 entity if the Secretary finds that the granting of such license
2 or permit will have an adverse effect on such resources.

3 AUTHORIZATION OF APPROPRIATIONS

4 SEC. 103. (a) There are authorized to be appropriated
5 for fiscal years ending on or after September 30, 1979,
6 such sums as may be necessary to carry out this Act,
7 except that—

8 (1) the total of the amounts authorized to be
9 appropriated for all fiscal years for the purpose of
10 acquisition and development under the park manage-
11 ment plan established pursuant to section 201 (b) of this
12 Act and emergency assistance under section 205 (a) (1)
13 of this Act shall not exceed \$18,500,000; and

14 (2) the total of the amounts authorized to be ap-
15 propriated for all fiscal years for the purpose of carrying
16 out section 302 (b) (2) of this Act, for the payment
17 of grants and loans under section 303 of this Act, for
18 the acquisition of property under section 304 of this
19 Act, and for carrying out any transportation program
20 and any educational and cultural program described
21 in section 302 (c) of this Act shall not exceed
22 \$21,500,000.

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

1 SPENDING LIMITATIONS

2 SEC. 104. Notwithstanding any other provision of this
3 Act, no authority to enter into agreements or to make pay-
4 ments under this Act shall be effective except to the extent,
5 or in such amounts, as may be provided in advance in ap-
6 propriation Acts.

7 TITLE II—ROLE OF THE SECRETARY

8 PARK MANAGEMENT PLAN

9 SEC. 201. (a) The Secretary shall submit a statement
10 to the Congress, within two years after the date on which
11 funds are made available to carry out this Act, which—

12 (1) reports on the progress that the Secretary has
13 made in acquiring the properties designated for acqui-
14 sition under section 202 of this Act, and describes the
15 way the Secretary intends to use these properties;

16 (2) designates the properties within the park and
17 preservation district respecting which the Secretary has
18 entered into or intends to enter into agreements relating
19 to interpretive exhibits or programs under section 203
20 (a) of this Act;

21 (3) (A) reports on the progress of the Secretary in
22 leasing a portion of the Lowell Manufacturing Com-
23 pany, located on Market Street, for the purpose of
24 establishing a visitors' center in close proximity to

1 parking and other transportation facilities, and (B)
2 designates any other property within the park which the
3 Secretary has leased or intends to lease for purposes of
4 the park;

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

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

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

16 (2) After consulting with the Commission, the city man-
17 ager of Lowell, and the Commonwealth of Massachusetts, the
18 Secretary may make revisions in the park management plan
19 established pursuant to paragraph (1) of this subsection by
20 publication of such revisions in the Federal Register. A
21 revision made under this paragraph shall be effective ninety
22 days after written notice of the revision is submitted to the
23 Congress.

24 ACQUISITION OF PROPERTY

25 SEC. 202. (a) (1) The Secretary shall acquire the
26 properties designated in paragraph (2) of this subsection,

1 or any interest therein, by donation, purchase with donated
2 or appropriated funds, condemnation, or otherwise. Any
3 property or interest therein owned by the Commonwealth
4 of Massachusetts or any political subdivision thereof may be
5 acquired only with the consent of the owner. The Secretary
6 may initiate condemnation proceedings under this para-
7 graph only after making every reasonable effort to acquire
8 property through negotiations and purchase, and consulting
9 with the Commission (if established) and the city council
10 of Lowell.

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

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

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

17 (C) Old City Hall, 226 Merrimack Street.

18 (D) Merrimack Gatehouse, 269 Merrimack Street.

19 (E) The Wannalancit Textile Company, 562 Suf-
20 folk Street.

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

24 (b) Until the date on which the Commission conducts
25 its first meeting, the Secretary may acquire any property

1 within the park or preservation district not designated in
2 subsection (a) (2) of this section, or any interest therein,
3 if such property—

4 (1) is identified in the report of the Lowell His-
5 torical Canal District Commission as a property which
6 should be preserved, restored, managed, developed, or
7 maintained in a manner consistent with the purpose of
8 this Act;

9 (2) is listed in the National Register of Historic
10 Places, as maintained by the Secretary pursuant to sec-
11 tion 101 (a) of the Act entitled “An Act to establish
12 a program for the preservation of additional historic
13 properties throughout the Nation, and for other pur-
14 poses”, approved October 15, 1966 (16 U.S.C. 470a),
15 and section 2 (b) of the Act entitled “An Act to pro-
16 vide for the preservation of historic American sites,
17 buildings, objects, and antiquities of national signifi-
18 cance, and for other purposes”, approved August 21,
19 1935 (16 U.S.C. 462) ; or

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

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

1 (c) The Secretary may acquire easements within the
2 park for the purpose of carrying out this Act. Such ease-
3 ments may be acquired only as provided in subsection (a)
4 (1) of this section.

5 AGREEMENTS AND TECHNICAL ASSISTANCE

6 SEC. 203. (a) The Secretary may enter into agreements
7 with any owner of property within the park to provide for
8 interpretive exhibits or programs. Such agreements shall pro-
9 vide, whenever appropriate, that—

10 (1) the public may have access to such property at
11 specified, reasonable times for purposes of viewing such
12 property or the exhibits or attending the programs estab-
13 lished by the Secretary under this subsection; and

14 (2) the Secretary may make such minor improve-
15 ments to such property as may be necessary to enhance
16 the public use and enjoyment of such property, exhibits,
17 and programs.

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

20 (A) the city of Lowell to assist the city in estab-
21 lishing regulations or laws consistent with the standards
22 and criteria established pursuant to section 302 (e) of
23 this Act; and

24 (B) the Commission to assist the Commission in

1 establishing the index and the standards and criteria
2 required by section 302 of this Act.

3 (2) The Secretary may provide to any owner of prop-
4 erty within the park or preservation district, the Commission,
5 the Commonwealth of Massachusetts, the city of Lowell, and
6 any other Federal entity or any institution such technical
7 assistance as the Secretary considers appropriate to carry
8 out the purpose of this Act.

9 WITHHOLDING OF FUNDS

10 SEC. 204. (a) The Secretary may refuse to obligate or
11 expend any money appropriated for the purposes described
12 in section 103 (a) (1) of this Act or section 103 (a) (2)
13 of this Act if the Secretary determines that—

14 (1) the city of Lowell has failed to establish regula-
15 tions or laws consistent with the standards and criteria
16 established pursuant to section 302 (e) of this Act with-
17 in one year after the date such standards and criteria
18 have been established, except that the Secretary may
19 extend such one-year period for not more than six
20 months if the Secretary determines that the city has
21 made a good-faith effort to establish such regulations or
22 laws;

23 (2) the city of Lowell has failed to notify the Com-
24 mission of (A) applications for building permits or zon-
25 ing variances respecting any property which is included

1 in the index established pursuant to section 302 (d) of
2 this Act, or (B) any proposals of the city of Lowell to
3 change the regulations or laws described in paragraph
4 (3) (A) of this subsection;

5 (3) (A) during the period before the city of Lowell
6 has established regulations or laws consistent with the
7 standards and criteria established pursuant to section
8 302 (e) of this Act, the city of Lowell has granted any
9 building permit or zoning variance or has taken any other
10 action respecting any property within the park or preser-
11 vation district, which both the Secretary and the Com-
12 mission consider to be inconsistent with such standards
13 and criteria;

14 (B) after the city of Lowell has established the
15 regulations or laws described in subparagraph (A) of
16 this paragraph, the city of Lowell has granted any build-
17 ing permit or zoning variance or has taken any other
18 action respecting any property within the park or pres-
19 ervation district, which both the Secretary and the Com-
20 mission consider to be inconsistent with such regulations
21 or laws; or

22 (4) the Commission has not made good-faith efforts
23 to (A) provide for the preservation, restoration, man-
24 agement, development, or maintenance of property
25 within the park and preservation district or (B) carry

1 out the park preservation plan approved under section
2 302 of this Act.

3 GENERAL ADMINISTRATIVE FUNCTIONS

4 SEC. 205. (a) (1) The Secretary, acting through the
5 National Park Service, shall take appropriate actions to
6 implement to the extent practicable the park management
7 plan established pursuant to section 201 (b) of this Act. In
8 carrying out such plan, the Secretary shall administer the
9 park in accordance with laws, rules, and regulations appli-
10 cable to the national park system. Before the date on which
11 the Commission conducts its first meeting, the Secretary
12 may take any other action considered necessary to provide
13 owners of property within the park or preservation district
14 with emergency assistance for the purpose of preserving and
15 protecting their property in a manner consistent with the
16 purpose of this Act.

17 (2) Subject to sections 204 and 302 (b) of this Act,
18 the Secretary shall make available to the Commission any
19 funds appropriated under section 103 (a) of this Act for
20 the purpose of carrying out title III of this Act.

21 (b) Notwithstanding any other provisions of law, the
22 Secretary may accept donations of funds, property, or serv-
23 ices from individuals, foundations, corporations, and other
24 private entities, and from public entities, for the purpose of
25 implementing the park management plan.

1 (c) The Secretary may sponsor or coordinate within
 2 the park and preservation district such educational or cul-
 3 tural programs as the Secretary considers appropriate to
 4 encourage appreciation of the resources of the park and
 5 preservation district.

6 (d) The Secretary may acquire such leases respecting
 7 property within the park as may be necessary to carry out
 8 the purpose of this Act.

9 TITLE III—ROLE OF THE COMMISSION

10 ESTABLISHMENT OF LOWELL HISTORIC PRESERVATION

11 COMMISSION

12 SEC. 301. (a) There is established within the Depart-
 13 ment of the Interior a commission to be known as the Lowell
 14 Historic Preservation Commission which shall administer
 15 the preservation district and provide certain services within
 16 the park in accordance with this title. The Commission
 17 shall consist of fifteen members appointed by the Secre-
 18 tary as follows:

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

22 (2) Three members appointed from recommenda-
 23 tions made by the city manager of Lowell of persons
 24 who are representative of organized labor, the business

1 community, local neighborhoods, and cultural institu-
2 tions, and who are not elected officials.

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

5 (4) Three members appointed from recommenda-
6 tions made by the Governor of the Commonwealth of
7 Massachusetts.

8 (5) One member appointed from recommendations
9 made by the Secretary of Commerce.

10 (6) One member appointed from recommendations
11 made by the Secretary of Transportation.

12 (7) One member appointed from recommendations
13 made by the Secretary of Housing and Urban Develop-
14 ment.

15 (8) Two members who are qualified to serve on
16 the Commission because of their familiarity with pro-
17 grams of the Department of Interior involving national
18 parks and historic preservation.

19 (b) If any member of the Commission who was ap-
20 pointed to the Commission under paragraph (1) or (4) of
21 subsection (a) of this section as a member of the city coun-
22 cil of Lowell or any other government leaves that office, or
23 if any member of the Commission who was appointed from
24 persons who are not elected officials of any government be-
25 comes an elected official of a government, such person may

1 continue as a member of the Commission for not longer
2 than the thirty-day period beginning on the date such per-
3 son leaves that office or becomes such an elected official, as
4 the case may be.

5 (c) (1) Except as provided in paragraph (2) of this
6 subsection, members shall be appointed for terms of two
7 years. A member may be reappointed only three times un-
8 less such member was originally appointed to fill a vacancy
9 pursuant to subsection (e) (1) of this section, in which case
10 such member may be reappointed four times.

11 (2) Of the members first appointed pursuant to subsec-
12 tion (a) of this section, the following shall be appointed for
13 terms of three years:

14 (A) The members appointed pursuant to para-
15 graphs (2), (3), and (8) of such subsection.

16 (B) One of the members appointed pursuant to
17 paragraph (4) of such subsection, as designated by the
18 Secretary at the time of appointment upon recommenda-
19 tion of the Governor.

20 (d) The chairman of the Commission shall be elected
21 by the members of the Commission. The term of the chair-
22 man shall be two years.

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

1 (2) Any member appointed to fill a vacancy shall serve
2 for the remainder of the term for which his predecessor was
3 appointed. Any member may serve after the expiration of
4 his term for a period not longer than thirty days.

5 (f) Eight members of the Commission shall constitute a
6 quorum, but a lesser number may hold hearings.

7 (g) The Commission shall meet at least once each
8 month, at the call of the chairman or a majority of its
9 members.

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

15 (2) Members of the Commission who are full-time of-
16 ficers or employees of the United States, the city of Lowell,
17 or the Commonwealth of Massachusetts shall receive no
18 additional pay on account of their service on the Commis-
19 sion.

20 (3) While away from their homes or regular places of
21 business in the performance of services for the Commission,
22 members of the Commission shall be allowed travel expenses,
23 including per diem in lieu of subsistence, in the same manner
24 as persons employed intermittently in the Government serv-

1 ice are allowed expenses under section 5703 of title 5 of the
2 United States Code.

3 PARK PRESERVATION PLAN AND INDEX

4 SEC. 302. (a) (1) Within one year after the date on
5 which the Commission conducts its first meeting, the Com-
6 mission shall submit to the Secretary a draft park preserva-
7 tion plan meeting the requirements of subsection (c) of this
8 section. The Secretary shall review the draft park preserva-
9 tion plan and, within ninety days after the date on which
10 such plan is submitted to the Secretary, suggest appropriate
11 changes in such plan to the Commission.

12 (2) Within eighteen months after the date on which
13 the Commission conducts its first meeting, the Commission
14 shall submit to the Secretary a park preservation plan which
15 meets the requirements of subsection (c) of this section. The
16 Secretary shall, within ninety days after the date on which
17 such plan is submitted to the Secretary, approve or disap-
18 prove such plan. The Secretary may not approve such plan
19 unless the Secretary determines that such plan would ade-
20 quately carry out the purpose of this Act.

21 (3) If the Secretary disapproves a park preservation
22 plan, the Secretary shall advise the Commission of the
23 reasons for such disapproval together with the recommenda-
24 tions of the Secretary for revision of such plan. Within such

1 period as the Secretary may designate, the Commission shall
2 submit a revised park preservation plan to the Secretary.

3 The Secretary shall approve or disapprove any revised park
4 preservation plan in the same manner as required in para-
5 graph (2) of this subsection for the approval or disapproval
6 of the original park preservation plan.

7 (4) If the Secretary approves a park preservation plan,
8 the Secretary shall publish notice of such approval in the
9 Federal Register.

10 (5) If the Secretary fails to approve or disapprove a
11 park preservation plan within ninety days after the date on
12 which the Secretary receives any such plan from the Com-
13 mission, such park preservation plan shall be considered to
14 be approved, and the Secretary shall publish notice of such
15 approval in the Federal Register.

16 (6) Any park preservation plan or draft plan sub-
17 mitted to the Secretary under this subsection shall, upon
18 request, be available to the public.

19 (7) (A) No changes other than those specified in sub-
20 paragraph (B) of this paragraph may be made in the ap-
21 proved park preservation plan without the approval of the
22 Secretary. The Secretary shall approve or disapprove any
23 proposed change in the approved park preservation plan,
24 except for any change specified in such subparagraph (B),
25 in the same manner as required in paragraph (2) of this

1 subsection for the approval or disapproval of the original
2 park preservation plan.

3 (B) Any change in the approved park preservation
4 plan relating to the index established pursuant to subsection
5 (d) of this section or the standards and criteria established
6 pursuant to subsection (e) of this section may be made by
7 the Commission in the same manner specified in such sub-
8 sections. The Commission shall promptly notify the Secre-
9 tary of any change made under such subsections.

10 (b) (1) Except as provided in paragraph (2) of this
11 subsection, the Secretary shall not make any funds available
12 to the Commission to carry out section 303 or 304 of this
13 Act until a park preservation plan has been approved under
14 subsection (a) of this section.

15 (2) Before a park preservation plan is approved under
16 subsection (a) of this section, the Secretary may make
17 available to the Commission such funds as the Commission
18 may request to—

19 (A) carry out activities to preserve, restore,
20 manage, develop, or maintain any property designated
21 in subsection (c) (1) of this section;

22 (B) take any action the Commission considers
23 necessary to provide owners of property within the
24 park or preservation district with emergency assist-

1 ance for the purpose of preserving and protecting their
2 property in a manner consistent with the purpose of
3 this Act; or

4 (C) acquire in accordance with section 304 of this
5 Act, any property within the park which—

6 (i) is identified in the report of the Lowell
7 Historic Canal District Commission as a property
8 which should be preserved, restored, managed, de-
9 veloped, or maintained in a manner consistent with
10 the purpose of this Act;

11 (ii) is listed in the National Register of His-
12 toric Places, as maintained by the Secretary pur-
13 suant to section 101 (a) of the Act entitled “An
14 Act to establish a program for the preservation of
15 additional historic properties throughout the Na-
16 tion, and for other purposes”, approved October
17 15, 1966 (16 U.S.C. 470a), and section 2 (b) of
18 the Act entitled “An Act to provide for the preser-
19 vation of historic American sites, buildings, objects,
20 and antiquities of national significance, and for
21 other purposes”, approved August 21, 1935 (16
22 U.S.C. 462) ; or

23 (iii) is determined by the Secretary to be of
24 national significance;

1 and would be subject to demolition or major alteration
2 in a manner inconsistent with the purpose of this Act
3 unless acquired by the Commission.

4 (c) Any plan submitted to the Secretary under subsec-
5 tion (a) of this section shall—

6 (1) describe the manner in which the Commission,
7 to the extent practicable in accordance with the recom-
8 mendations in the report of the Lowell Historic Canal
9 District Commission, proposes to provide for the preser-
10 vation, restoration, management, development, or main-
11 tenance of—

12 (A) the Welles Block, 169 Merrimack Street;

13 (B) the Jordan Marsh Company Building, 153
14 Merrimack Street and 15 Kirk Street;

15 (C) the Yorick Club, 91 Dutton Street;

16 (D) the Lowell Gas Light Company, 22 Shat-
17 tuck Street;

18 (E) St. Anne's Church and Rectory, 237
19 Merrimack Street;

20 (F) Lowell Institution for Savings, 18 Shat-
21 tuck Street;

22 (G) the Ahepa Building, 31 Kirk Street;

23 (H) Boott Mill, Foot of John Street;

1 (I) Lowell Manufacturing Company on Market
2 Street; and

3 (J) the structure commonly referred to as the
4 Early Residence, 45, 47, and 49 Kirk Street;

5 (2) identify the properties included in the index
6 established pursuant to subsection (d) of this section;

7 (3) designate the properties which the Commission
8 intends to acquire under section 304 of this Act and
9 specify how such properties shall be used;

10 (4) include the standards and criteria established
11 pursuant to subsection (e) of this section;

12 (5) provide a detailed description of the manner
13 in which the Commission intends to implement the grant
14 and loan programs under section 303 of this Act, includ-
15 ing information relating to the estimated amount of such
16 grants and the manner in which such grants shall be
17 awarded by the Commission;

18 (6) provide for a transportation program by which
19 the Commission shall provide, directly or by agreement
20 with any person or any public or private entity, trans-
21 portation services and facilities for park and preserva-
22 tion district visitors, including barge equipment, docking
23 facilities, and local rail facilities;

24 (7) provide for educational and cultural programs

1 to encourage appreciation of the resources of the park
2 and preservation district; and

3 (8) include a tentative budget for the subsequent
4 five fiscal years.

5 (d) The Commission shall establish, within one year
6 after the date on which the Commission conducts its first
7 meeting, an index which includes—

8 (1) any property in the park or preservation dis-
9 trict (except for any property designated in section
10 201 (a) (2) of this Act) which should be preserved,
11 restored, managed, developed, maintained, or acquired
12 by the Commission because of its historical, cultural, or
13 architectural significance; and

14 (2) any property which should be preserved,
15 restored, managed, developed, or maintained in a man-
16 ner compatible with the purpose of this Act because of
17 its proximity to (A) any property referred to in para-
18 graph (1) of this subsection, or (B) any property des-
19 ignated in section 201 (a) (2) of this Act.

20 The index may be modified only by a majority vote of the
21 members of the Commission, taken when a quorum is present.

22 (e) (1) The Commission shall establish standards and
23 criteria applicable to the construction, preservation, restora-
24 tion, alteration, and use of all properties within the preserva-

1 tion district with the advice of the Commonwealth of Massa-
2 chusetts and of the Secretary, and the consent of the city
3 manager of Lowell.

4 (2) The Commission shall establish the standards and
5 criteria described in paragraph (1) of this subsection for any
6 property within the park with the advice of the Common-
7 wealth of Massachusetts and the city manager of Lowell
8 and with the consent of the Secretary.

9 (3) The Commission shall establish standards and cri-
10 teria under paragraphs (1) and (2) of this subsection within
11 one year after the date on which the Commission conducts its
12 first meeting. Such standards and criteria may be revised in
13 the same manner in which they were originally established.

14 (4) The Secretary shall publish the standards and cri-
15 teria established under paragraphs (1) and (2) of this sub-
16 section, and any revisions thereof, in the Federal Register.

17 LOANS, GRANTS, AND TECHNICAL ASSISTANCE

18 SEC. 303. (a) The Commission may make loans to the
19 Lowell Development and Financial Corporation (established
20 under chapter 844 of the Massachusetts General Laws) to
21 enable the corporation to provide low interest loans for the
22 preservation, restoration, or development of property listed
23 on the index established pursuant to section 302 (d) of this
24 Act. The Commission may make any such loan to the

1 corporation only after entering into a loan agreement with
2 the corporation which includes the following terms:

3 (1) The loan to the corporation shall have a matu-
4 rity of thirty-five years. At the end of such period, the
5 corporation shall repay to the Secretary of the Treasury
6 (in a lump sum) for deposit in the general fund of the
7 Treasury the full amount of the loan without interest.

8 (2) The money received from the Commission,
9 and any interest earned on such money, may be obli-
10 gated by the corporation only for low interest loans made
11 under paragraphs (6) and (7) of this subsection, ex-
12 cept that the corporation may use such money to the
13 extent the Commission considers reasonable to satisfy the
14 costs of the corporation in administering the loan or
15 procuring loan guarantees or insurance.

16 (3) Within five years after receiving the loan from
17 the Commission, the corporation shall make loans under
18 paragraphs (6) and (7) of this subsection which, in the
19 aggregate, obligate the full amount of money received
20 from the Commission (minus any amount required to
21 satisfy the costs described in paragraph (2) of this
22 subsection).

23 (4) As loans made under paragraphs (6) and (7)
24 of this subsection are repaid, the corporation shall make

1 additional loans under such paragraphs with the money
2 made available for obligation by such repayments.

3 (5) The corporation shall make available to the
4 Commission and to the Secretary, upon request, all
5 accounts, financial records, and other information related
6 to loans made under paragraphs (6) and (7) of this
7 subsection.

8 (6) Before the corporation approves any applica-
9 tion for a low interest loan for which money has been
10 made available to the corporation by the Commission,
11 the corporation shall require the prospective borrower
12 to furnish the corporation with a statement from the
13 Commission stating that the Commission has reviewed
14 the application and has determined that any loan re-
15 ceived by the prospective borrower will be spent in a
16 manner consistent with—

17 (A) the standards and criteria established pur-
18 suant to section 302 (e) of this Act, and

19 (B) the goals of the park preservation plan
20 approved under section 302 (a) of this Act.

21 (7) The corporation may approve any application
22 for a low interest loan which meets the terms and condi-
23 tions prescribed by the corporation with the approval
24 of the Commission and for which money has been made
25 available to the corporation by the Commission if—

1 (A) the prospective borrower furnishes the
2 corporation with the statement described in para-
3 graph (6) of this subsection;

4 (B) the corporation determines that such bor-
5 rower has sufficient financial resources to repay the
6 loan; and

7 (C) such borrower satisfies any other appli-
8 cable credit criteria established by the corporation.

9 In order to determine whether the corporation has complied
10 with this subsection, the Commission, or such other appro-
11 priate person or entity as the Commission may designate,
12 shall conduct an audit at least once every two years of all
13 accounts, financial records, and other information related to
14 loans made under paragraphs (6) and (7) of this subsec-
15 tion. If the Commission determines, after conducting a hear-
16 ing on the record, that the corporation has substantially failed
17 to comply with this subsection, the outstanding balance of
18 any loan made to the corporation under this subsection shall
19 become payable in full upon the demand of the Commission.

20 (b) (1) The Commission may make grants to—

21 (A) owners of property included in the index estab-
22 lished pursuant to section 302 (d) of this Act for the
23 preservation, restoration, management, development, or
24 maintenance of such property in a manner consistent

1 with the standards and criteria established pursuant to
2 section 302 (e) of this Act; and

3 (B) any person or any public or private entity to
4 provide for (i) educational or cultural programs which
5 encourage appreciation of the resources of the park and
6 preservation district, or (ii) any planning, transporta-
7 tion, maintenance, or other services the Commission
8 considers desirable to carry out the purpose of this Act.

9 (2) Grants under this subsection shall be made under
10 agreements which specify the amount of the grant, the in-
11 stallments (if any) by which the grant shall be paid to the
12 grant recipient, the purposes for which the grant may be
13 used, and any other condition the Commission considers ap-
14 propriate. No grant recipient may use a grant in any manner
15 or for any purpose other than as specified in the grant
16 agreement.

17 (3) Any grant recipient which the Commission deter-
18 mines to be in noncompliance with paragraph (2) of this
19 subsection shall be liable, at the discretion of the Commis-
20 sion, for the repayment to the Commission of any funds
21 awarded under this subsection which have been paid to
22 such grant recipient. The Commission may bring a civil
23 action for repayment of such funds. The Commission shall
24 determine whether any additional funds awarded under this
25 subsection shall be paid to such grant recipient.

1 (c) The Commission may provide technical assistance
2 to—

3 (1) owners of property within the park or preser-
4 vation district to assist such owners in (A) making re-
5 pairs to or improvements in any property included in
6 the index established pursuant to section 302 (d) of this
7 Act, or (B) applying for loans under subsection (a)
8 of this section; and

9 (2) any other person or public or private entity to
10 assist such person or entity in taking actions consistent
11 with the purpose of this Act.

12 (d) The Commission shall make available to the Secre-
13 tary, upon request, all accounts, financial records, and other
14 information of the Commission relating to grants and loans
15 made under this section.

16 ACQUISITION AND DISPOSITION OF PROPERTY

17 SEC. 304. (a) (1) The Commission may acquire any
18 property included in the index established pursuant to sec-
19 tion 302 (d) of this Act, or any interest therein, by dona-
20 tion, by purchase with donated or appropriated funds, or
21 by condemnation in accordance with paragraph (2) of this
22 subsection.

23 (2) Only properties within the park may be acquired
24 by the Commission by condemnation. The Commission may
25 initiate condemnation proceedings only after making every

1 reasonable effort to acquire any such property through nego-
2 tiations and purchase and consulting with the city council of
3 Lowell.

4 (b) The Commission may sell or lease any property
5 which it acquires under subsection (a) of this section subject
6 to such deed restrictions or other conditions as the Commis-
7 sion deems appropriate to carry out the purpose of this Act.

8 (c) Pursuant to a written agreement between the Com-
9 mission and the Commonwealth of Massachusetts or between
10 the Commission and the city of Lowell, the Commission may
11 sell, donate, lease, or in any other manner the Commission
12 deems appropriate make available to such Commonwealth or
13 city any property which it has acquired under subsection
14 (a) of this section in order to provide for the administration
15 or maintenance of such property by such Commonwealth or
16 city in a manner consistent with the purpose of this Act.

17 POWERS OF COMMISSION

18 SEC. 305. (a) The Commission may for the purpose of
19 carrying out this Act hold such hearings, sit and act at such
20 times and places, take such testimony, and receive such evi-
21 dence, as the Commission may deem advisable. The Commis-
22 sion may administer oaths or affirmations to witnesses ap-
23 pearing before it.

24 (b) When so authorized by the Commission, any mem-

1 ber or agent of the Commission may take any action which
2 the Commission is authorized to take by this section.

3 (c) Subject to section 552a of title 5, United States Code,
4 the Commission may secure directly from any department or
5 agency of the United States information necessary to enable
6 it to carry out this Act. Upon request of the chairman of the
7 Commission, the head of such department or agency shall
8 furnish such information to the Commission.

9 (d) Notwithstanding any other provision of law, the
10 Commission may seek and accept donations of funds, prop-
11 erty, or services from individuals, foundations, corporations,
12 and other private entities, and from public entities, for the
13 purpose of carrying out its duties.

14 (e) The Commission may use its funds to obtain money
15 from any source under any program or law requiring the
16 recipient of such money to make a contribution in order to
17 receive such money.

18 (f) The Commission may use the United States mails in
19 the same manner and upon the same conditions as other
20 departments and agencies of the United States.

21 (g) The Commission may obtain by purchase, rental,
22 donation, or otherwise, such property, facilities, and services
23 as may be needed to carry out its duties. Any acquisition of
24 property by the Commission shall be in accordance with sec-

1 tion 304 of this Act. Upon the termination of the Commis-
2 sion, all property, personal and real, and unexpended funds
3 shall be transferred to the Department of the Interior.

4 STAFF OF COMMISSION

5 SEC. 306. (a) The Commission shall have a Director
6 who shall be appointed by the Commission and who shall
7 be paid at a rate not to exceed the rate of pay payable for
8 grade GS-15 of the General Schedule.

9 (b) The Commission may appoint and fix the pay of
10 such additional personnel as the Commission deems
11 desirable.

12 (c) The Director and staff of the Commission may be
13 appointed without regard to the provisions of title 5, United
14 States Code, governing appointments in the competitive
15 service, and may be paid without regard to the provisions
16 of chapter 51, and subchapter III of chapter 53 of such title
17 relating to classification and General Schedule pay rates,
18 except that no individual so appointed may receive pay in
19 excess of the annual rate of basic pay payable for grade
20 GS-15 of the General Schedule.

21 (d) Subject to such rules as may be adopted by the
22 Commission, the Commission may procure temporary and
23 intermittent services to the same extent as is authorized by
24 section 3109 (b) of title 5, United States Code, but at rates
25 determined by the Commission to be reasonable.

1 (e) (1) Upon request of the Commission, the head of
2 any Federal agency represented by members on the Com-
3 mission may detail, on a reimbursable basis, any of the per-
4 sonnel of such agency to the Commission to assist it in car-
5 rying out its duties under this Act.

6 (2) The Administrator of the General Services Admin-
7 istration shall provide to the Commission on a reimbursable
8 basis such administrative support services as the Commission
9 may request.

U.S. SENATE
96th CONGRESS

25811

A BILL

BILL

Be it enacted by the Senate and House of Representatives
of the United States of America in Congress assembled,

Section 1. (a) The Congress finds that—

(1) certain sites and structures in Lowell, Massa-
chusetts, historically and culturally the most significant
planned industrial city in the United States, symbolize
in physical form the Industrial Revolution;

(2) the cultural heritage of many of the ethnic
groups that immigrated to the United States during