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95TH CONGRESS
2D SESSION

H. R. 11662

IN THE SENATE OF THE UNITED STATES

APRIL 12 (legislative day, FEBRUARY 6), 1978

Read twice and referred to the Committee on Energy and Natural Resources

AN ACT

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,*

FINDINGS AND PURPOSE

4 SECTION 1. (a) The Congress finds that—

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

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

1 last 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 of
5 the Industrial Revolution and are nationally significant
6 historical 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 in 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 nationally significant historical and cultural sites,
19 structures, and districts in Lowell, Massachusetts, for the
20 benefit and inspiration of present and future generations by
21 implementing to the extent practicable the recommendations
22 in the report of the Lowell Historic Canal District
23 Commission.

24 DEFINITIONS

25 SEC. 2. For purposes of this Act—

1 (1) the term "park" means the Lowell National
2 Historical Park, established by section 101 (a) (1) of
3 this Act;

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

7 (3) the term "Commission" means the Lowell
8 Historic Preservation Commission established by section
9 301 (a) of this Act;

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

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

21 TITLE I—ESTABLISHMENT OF PARK

22 ESTABLISHMENTS; BOUNDARIES

23 SEC. 101. (a) (1) To carry out the purpose of this Act,
24 there is established as a unit of the National Park System
25 in the city of Lowell, Massachusetts, the Lowell National

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

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

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

1 of Lowell and the city council of Lowell. A boundary revision
2 made under this subsection shall be effective only after timely
3 notice in writing is given to the Congress.

4 COOPERATION OF FEDERAL AGENCIES

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

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

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

17 (b) Any applicant for a required Federal license or
18 permit to conduct an activity within the park or preservation
19 district shall provide in the application to the entity issuing
20 such a license or permit a certification that the proposed
21 activity will be conducted in a manner consistent with the
22 standards and criteria established pursuant to section 302
23 (e) of this Act and that such activity will not have an ad-
24 verse effect on the resources of the park or preservation dis-

1 trict. No such license or permit shall be granted by any such
2 entity if the Secretary finds that the granting of such license
3 or permit will have an adverse effect on such resources.

4 AUTHORIZATION OF APPROPRIATIONS

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

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

15 (2) the total of the amounts authorized to be ap-
16 propriated for all fiscal years for the purpose of carry-
17 ing out section 302 (b) (2) of this Act, for the payment
18 of grants and loans under section 303 of this Act, for
19 the acquisition of property under section 304 of this
20 Act, and for carrying out any transportation program
21 and any educational and cultural program described
22 in section 302 (c) of this Act shall not exceed
23 \$21,500,000.

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

SPENDING LIMITATIONS

1
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
6 appropriation Acts.

TITLE II—ROLE OF THE SECRETARY

PARK MANAGEMENT PLAN

8
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
20 203 (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
25 parking and other transportation facilities, and (B)

1 designates any other property within the park which the
2 Secretary has leased or intends to lease for purposes of
3 the park;

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

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

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

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

23 ACQUISITION OF PROPERTY

24 SEC. 202. (a) (1) The Secretary shall acquire the
25 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 and
22 Solomon's Yard Goods, 210 and 200 Merrimack Street.

23 (b) Until the date on which the Commission conducts
24 its first meeting, the Secretary may acquire any property
25 within the park or preservation district not designated in sub-

1 section (a) (2) of this section, or any interest therein, if such
2 property—

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

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

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

21 and would be subject to demolition or major alteration in a
22 manner inconsistent with the purposes of this Act unless
23 acquired by the Secretary. Such property may be acquired
24 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 with national historic or cul-
8 tural significance within the park to provide for interpretive
9 exhibits or programs. Such agreements shall provide, when-
10 ever appropriate, that—

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

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

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

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

1 (B) the Commission to assist the Commission in
2 establishing the index and the standards and criteria
3 required by section 302 of this Act.

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

10 WITHHOLDING OF FUNDS

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

15 (1) the city of Lowell has failed to establish regula-
16 tions or laws consistent with the standards and criteria
17 established pursuant to section 302 (e) of this Act within
18 one year after the date such standards and criteria have
19 been established, except that the Secretary may extend
20 such one-year period for not more than six months if the
21 Secretary determines that the city has made a good faith
22 effort to establish such regulations or 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
10 other action respecting any property within the park or
11 preservation district, which both the Secretary and the
12 Commission consider to be inconsistent with such stand-
13 ards 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 ac-
18 tion respecting any property within the park or preser-
19 vation district, which both the Secretary and the
20 Commission consider to be inconsistent with such regu-
21 lations 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 (b) 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 with national historic or cultural sig-
14 nificance within the park or preservation district with emer-
15 gency assistance for the purpose of preserving and protecting
16 their property in a manner consistent with the purpose of
17 this Act.

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

22 (b) Notwithstanding any other provisions of law, the
23 Secretary may accept donations of funds, property, or serv-
24 ices from individuals, foundations, corporations, and other

1 private entities, and from public entities, for the purpose of
 2 implementing the park management plan.

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

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

11 TITLE III—ROLE OF THE COMMISSION

12 ESTABLISHMENT OF LOWELL HISTORIC PRESERVATION

13 DISTRICT COMMISSION

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

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

24 (2) Three members appointed from recommenda-

1 tions made by the city manager of Lowell of persons
2 who are representative of organized labor, the business
3 community, local neighborhoods, and cultural institu-
4 tions, and who are not elected officials.

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

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

10 (5) One member appointed from recommendations
11 made by the Secretary of Commerce.

12 (6) One member appointed from recommendations
13 made by the Secretary of Transportation.

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

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

21 (b) If any member of the Commission who was ap-
22 pointed to the Commission under paragraph (1) or (4) of
23 subsection (a) of this section as a member of the coun-
24 cil of Lowell or any other government leaves that office, or
25 if any member of the Commission who was appointed from

1 persons who are not elected officials of any government be-
2 comes an elected official of a government, such person may
3 continue as a member of the Commission for not longer
4 than the thirty-day period beginning on the date such per-
5 son leaves that office or becomes such an elected official, as
6 the case may be.

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

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

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

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

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

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

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

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

10 (g) The Commission shall meet at least once each
11 month, at the call of the chairman or a majority of its
12 members.

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

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

22 (3) While away from their homes or regular places of
23 business in the performance of services for the Commission,
24 members of the Commission shall be allowed travel expenses,
25 including per diem in lieu of subsistence, in the same manner

1 as persons employed intermittently in the Government serv-
2 ice are allowed expenses under section 5703 of title 5 of the
3 United States Code.

4 PARK PRESERVATION PLAN AND INDEX

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

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

22 (3) If the Secretary disapproves a park preservation
23 plan, the Secretary shall advise the Commission of the
24 reasons for such disapproval together with the recommenda-
25 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
4 park preservation plan in the same manner as required in
5 paragraph (2) of this subsection for the approval or dis-
6 approval 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) Any park preservation plan or draft plan sub-
11 mitted to the Secretary under this subsection shall, upon
12 request, be available to the public.

13 (6) (A) No changes other than those specified in sub-
14 paragraph (B) of this paragraph may be made in the ap-
15 proved park preservation plan without the approval of the
16 Secretary. The Secretary shall approve or disapprove any
17 proposed change in the approved park preservation plan,
18 except for any change specified in such subparagraph (B),
19 in the same manner as required in paragraph (2) of this
20 subsection for the approval or disapproval of the original
21 park preservation plan.

22 (B) Any change in the approved park preservation
23 plan relating to the index established pursuant to subsection
24 (d) of this section or the standards and criteria established
25 pursuant to subsection (e) of this section may be made by

1 the Commission in the same manner specified in such sub-
2 sections. The Commission shall promptly notify the Secre-
3 tary of any change made under such subsections.

4 (b) (1) Except as provided in paragraph (2) of this
5 subsection, the Secretary shall not make any funds available
6 to the Commission to carry out section 303 or 304 of this Act
7 until a park preservation plan has been approved under sub-
8 section (a) of this section.

9 (2) Before a park preservation plan is approved under
10 subsection (a) of this section, the Secretary may make avail-
11 able to the Commission such funds as the Commission may
12 request to—

13 (A) carry out activities to preserve, restore, man-
14 age, develop, or maintain any property designated in
15 subsection (c) (1) of this section;

16 (B) take any action the Commission considers
17 necessary to provide owners of property with national
18 historical or cultural significance within the park or
19 preservation district with emergency assistance for the
20 purpose of preserving and protecting their property in a
21 manner consistent with the purpose of this Act; or

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

24 (i) is identified in the report of the Lowell His-
25 toric Canal District Commission as a property

1 which should be preserved, restored, managed, de-
2 veloped, or maintained in a manner consistent with
3 the purpose of this Act;

4 (ii) is listed in the National Register of His-
5 toric Places, as maintained by the Secretary pur-
6 suant to section 101 (a) of the Act entitled "An
7 Act to establish a program for the preservation of
8 additional historic properties throughout the Na-
9 tion, and for other purposes", approved October
10 15, 1966 (16 U.S.C. 470a), and section 2 (b) of
11 the Act entitled "An Act to provide for the preser-
12 vation of historic American sites, buildings, objects,
13 and antiquities of national significance, and for
14 other purposes", approved August 21, 1935 (16
15 U.S.C. 462) ; or

16 (iii) is determined by the Secretary to be of
17 national significance;

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

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

23 (1) describe the manner in which the Commission,
24 to the extent practicable in accordance with the recom-
25 mendations in the report of the Lowell Historic Canal

1 District Commission, proposes to provide for the preser-
2 vation, restoration, management, development, or main-
3 tenance of—

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

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

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

8 (D) the Lowell Gas Light Company, 22 Shat-
9 tuck Street;

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

12 (F) Lowell Institution for Savings, 18 Shat-
13 tuck Street;

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

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

16 (I) Lowell Manufacturing Company on Mar-
17 ket Street; and

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

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

22 (3) designate the properties which the Commission
23 intends to acquire under section 304 of this Act and

24 specify how such properties shall be used;

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

3 (5) provide a detailed description of the manner
4 in which the Commission intends to implement the grant
5 and loan programs under section 303 of this Act, includ-
6 ing information relating to the estimated amount of such
7 grants and the manner in which such grants shall be
8 awarded by the Commission;

9 (6) provide for a transportation program by which
10 the Commission shall provide, directly or by agreement
11 with any person or any public or private entity, trans-
12 portation services and facilities for park and preserva-
13 tion district visitors, including barge equipment, docking
14 facilities, and local rail facilities;

15 (7) provide for educational and cultural programs
16 to encourage appreciation of the resources of the park
17 and preservation district; and

18 (8) include a tentative budget for the subsequent
19 five fiscal years.

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

23 (1) any property in the park or preservation district

24 (except for any property designated in section 201 (a)

25 (2) of this Act) which should be preserved, restored,

1 managed, developed, maintained, or acquired by the
2 Commission because of its national historic or cultural
3 significance; and

4 (2) any property which should be preserved,
5 restored, managed, developed, or maintained in a manner
6 compatible with the purpose of this Act because of its
7 proximity to (A) any property referred to in paragraph
8 (1) of this subsection, or (B) any property designated
9 in section 201 (a) (2) of this Act.

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

12 (e) (1) The Commission shall establish standards and
13 criteria applicable to the construction, preservation, restora-
14 tion, alteration, and use of all properties within the preserva-
15 tion district with the advice of the Commonwealth of Massa-
16 chusetts and of the Secretary, and the consent of the city
17 manager of Lowell.

18 (2) The Commission shall establish the standards and
19 criteria described in paragraph (1) of this subsection for any
20 property within the park with the advice of the Common-
21 wealth of Massachusetts and the city manager of Lowell and
22 subject to the review and approval of the Secretary.

23 (3) The Commission shall establish standards and cri-
24 teria under paragraphs (1) and (2) of this subsection within
25 one year after the date on which the Commission conducts

1 its first meeting. Such standards and criteria may be revised
2 in the same manner in which they were originally established.

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

6 LOANS, GRANTS, AND TECHNICAL ASSISTANCE

7 SEC. 303. (a) The Commission may make loans to the
8 Lowell Development and Financial Corporation (established
9 under chapter 844 of the Massachusetts General Laws) to
10 enable the corporation to provide low interest loans for the
11 preservation, restoration, or development of any property
12 described in section 302 (d) (1) of this Act. The Commis-
13 sion may make any such loan to the corporation only after
14 entering into a loan agreement with the corporation which
15 includes the following terms:

16 (1) The loan to the corporation shall have a matu-
17 rity of thirty-five years. At the end of such period, the
18 corporation shall repay to the Secretary of the Treasury
19 (in a lump sum) for deposit in the general fund of the
20 Treasury the full amount of the loan without interest.

21 (2) The money received from the Commission, and
22 any interest earned on such money, may be obligated
23 by the corporation only for low interest loans made under
24 paragraphs (6) and (7) of this subsection, except
25 that the corporation may use such money to the extent

1 the Commission considers reasonable to satisfy the costs
2 of the corporation in administering the loan or procuring
3 loan guarantees or insurance.

4 (3) Within five years after receiving the loan from
5 the Commission, the corporation shall make loans under
6 paragraphs (6) and (7) of this subsection which, in the
7 aggregate, obligate the full amount of money received
8 from the Commission (minus any amount required to
9 satisfy the costs described in paragraph (2) of this
10 subsection).

11 (4) As loans made under paragraphs (6) and (7)
12 of this subsection are repaid, the corporation shall make
13 additional loans under such paragraphs with the money
14 made available for obligation by such repayments.

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

20 (6) Before the corporation approves any applica-
21 tion for a low interest loan for which money has been
22 made available to the corporation by the Commission,
23 the corporation shall require the prospective borrower
24 to furnish the corporation with a statement from the
25 Commission stating that the Commission has reviewed

1 the application and has determined that any loan re-
2 ceived by the prospective borrower will be spent in a
3 manner consistent with—

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

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

8 (7) The corporation may approve any application
9 for a low interest loan which meets the terms and condi-
10 tions prescribed by the corporation with the approval
11 of the Commission and for which money has been made
12 available to the corporation by the Commission if—

13 (A) the prospective borrower furnishes the
14 corporation with the statement described in para-
15 graph (6) of this subsection;

16 (B) the corporation determines that such bor-
17 rower has sufficient financial resources to repay the
18 loan; and

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

21 In order to determine whether the corporation has complied
22 with this subsection, the Commission, or such other appro-
23 priate person or entity as the Commission may designate,
24 shall conduct an audit at least once every two years of all
25 accounts, financial records, and other information related to

1 loans made under paragraphs (6) and (7) of this subsec-
2 tion. If the Commission determines, after conducting a hear-
3 ing on the record, that the corporation has substantially failed
4 to comply with this subsection, the outstanding balance of
5 any loan made to the corporation under this subsection shall
6 become payable in full upon the demand of the Commission.

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

8 (A) owners of property described in section 302

9 (d) (1) of this Act for the preservation, restoration,

10 management, development, or maintenance of such prop-

11 erty in a manner consistent with the standards and cri-

12 teria established pursuant to section 302 (e) of this Act;

13 and

14 (B) any person or any public or private entity to

15 provide for (i) educational or cultural programs which

16 encourage appreciation of the resources of the park and

17 preservation district, or (ii) any planning, transporta-

18 tion, maintenance, or other services the Commission con-

19 siders desirable to carry out the purpose of this Act.

20 (2) Grants under this subsection shall be made under

21 agreements which specify the amount of the grant, the in-

22 stallments (if any) by which the grant shall be paid to the

23 grant recipient, the purposes for which the grant may be

24 used, and any other condition the Commission considers ap-

25 propriate. No grant recipient may use a grant in any manner

1 or for any purpose other than as specified in the grant
2 agreement.

3 (3) Any grant recipient which the Commission deter-
4 mines to be in noncompliance with paragraph (2) of this
5 subsection shall be liable, at the discretion of the Commis-
6 sion, for the repayment to the Commission of any funds
7 awarded under this subsection which have been paid to
8 such grant recipient. The Commission may bring a civil
9 action for repayment of such funds. The Commission shall
10 determine whether any additional funds awarded under this
11 subsection shall be paid to such grant recipient.

12 (c) The Commission may provide technical assistance
13 to—

14 (1) owners of property within the park or preser-
15 vation district to assist such owners in (A) making re-
16 pairs to or improvements in any property included in
17 the index established pursuant to section 302 (d) of this
18 Act, or (B) applying for loans under subsection (a) of
19 this section; and

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

23 (d) The Commission shall make available to the Secre-
24 tary, upon request, all accounts, financial records, and other

1 information of the Commission relating to grants and loans
2 made under this section.

3 (e) The Secretary shall make an annual report to the
4 Congress describing the loans, grants, and technical assist-
5 ance provided under this section and under section 203 of
6 this Act. Such report shall specify the amount, recipient,
7 and purpose of any loan, grant, or technical assistance so
8 provided and contain such additional information as the
9 Secretary considers appropriate.

10 ACQUISITION AND DISPOSITION OF PROPERTY

11 SEC. 304. (a) (1) The Commission may acquire any
12 property designated in paragraph (3) of this subsection,
13 any property described in section 302(d) (1) of this Act,
14 or any interest therein, by donation, by purchase with
15 donated or appropriated funds, or by condemnation in accord-
16 ance with paragraph (2) of this subsection.

17 (2) Only properties within the park or property des-
18 igned in paragraph (3) of this subsection may be acquired
19 by the Commission by condemnation. The Commission may
20 initiate condemnation proceedings only after making every
21 reasonable effort to acquire any such property through nego-
22 tiations and purchase and consulting with the city council of
23 Lowell.

24 (3) The Commission may acquire in accordance with

1 paragraph (1) of this subsection the following properties,
2 or any interest therein:

3 (A) World Furniture Building, 125 Central
4 Street; and

5 (B) The Martin Building, 102-122 Central Street.

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

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

19 POWERS OF COMMISSION

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

1 (b) When so authorized by the Commission, any mem-
2 ber or agent of the Commission may take any action which
3 the Commission is authorized to take by this section.

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

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

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

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

22 (g) The Commission may obtain by purchase, rental,
23 donation, or otherwise, such property, facilities, and services
24 as may be needed to carry out its duties. Any acquisition of
25 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 GS-
20 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 Ad-
7 ministration shall provide to the Commission on a reim-
8 bursable basis such administrative support services as the
9 Commission may request.

Passed the House of Representatives April 11, 1978.

Attest: EDMUND L. HENSHAW, JR.,
Clerk.

100th CONGRESS
H. R. 1168

AN ACT

FINDINGS AND PURPOSES

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 the