

95th Congress
1st Session

Mr. Tsongas

A B I L L

To provide for the establishment of the Lowell National Cultural Park in the Commonwealth of Massachusetts, and for other purposes.

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

Findings and Purposes

Section 1. (a) The Congress finds that--

(1) the sites and structures in Lowell, Massachusetts, the first 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 late nineteenth and early twentieth centuries is still preserved in Lowell's neighborhoods;

(3) a very large proportion of the buildings, structures, and districts in Lowell date to the period of the Industrial Revolution and are now recognized as important historical resources, including the 5.6 mile power canal system, seven original mill complexes, and significant examples of early housing, commercial structures, transportation facilities, and buildings associated with labor and social service institutions;

(4) despite the expenditure of substantial amounts of money by the City of Lowell and the Commonwealth of Massachusetts for preservation and interpretation in Lowell, the early buildings, structures, and districts in Lowell will be lost without the assistance of the Federal Government;

(b) It is the purpose of this Act to preserve and interpret the sites, structures, and districts in Lowell, Massachusetts for the benefit and inspiration of present and future generations by implementing the recommendations in the plan submitted to the Congress by the Lowell Historic Canal District Commission

pursuant to "An Act to provide for a plan for the preservation, interpretation, development, and use of the historic, cultural, and architectural resources of the Lowell Historic Canal District in Lowell, Massachusetts, and for other purposes" approved January 4, 1975 (88 Stat. 2330).

Establishment; Boundaries

Sec. 2 (a) In order to accomplish the purpose set forth in section 1(b) of this Act, there is hereby established in the City of Lowell, Massachusetts, the Lowell National Cultural Park (hereinafter referred to as the "park"). The park shall consist of the area within two zones, the Preservation Zone and the Intensive Use Zone. The boundaries of the two zones shall be as generally depicted on the map entitled "Lowell National Cultural Park, Massachusetts", dated _____, and bearing the number " _____ ". Such map shall be on file and available for inspection in the office of the National Park Service, Department of the Interior. Any property included, in part, within the boundaries depicted on the map shall be considered to include the complete property. As soon as practicable following the date of the enactment of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary"), with the advice of the Commission established pursuant to section 5 of this Act and the City Manager of Lowell, shall publish in the Federal Register a detailed

description and map showing the boundaries of the Preservation Zone and Intensive Use Zone.

(b) With the advice of the Commission established pursuant to section 5 of this Act and the City Manager of Lowell, the Secretary may make minor revisions of the boundaries of the park by publication of a revised drawing or other boundary description in the Federal Register; but no waters, lands, or other property outside of the park boundaries established pursuant to subsection (a) of this section may be added to the park without the concurrence of the City Manager of Lowell and a majority of the members of the City Council of Lowell. A boundary revision made under this section shall be effective only after timely notice in writing is given to the appropriate committees of the Congress.

(c) The Intensive Use Zone shall contain cultural and historical sites and resources representative of the period between 1793 and 1910. Such Zone shall include canals, riverbanks, artifacts of the power generation system, mills, housing, buildings used by community institutions, and such other sites and resources as the Commission established pursuant to section 5 of this Act may recommend to the Secretary for inclusion in the park. The boundaries of the Preservation Zone shall include those areas adjacent to the Intensive Use Zone which should be developed or used in a manner compatible with use of resources in the Intensive Use Zone.

Acquisition of Property

Sec. 3. (a)(1) Within the Intensive Use Zone, the Secretary may acquire lands, water and other property, or any interest therein, by donation, purchase with donated or appropriated funds, exchange, condemnation, or otherwise; but no property may be acquired without the consent of the owner during such time as the owner is complying with the terms of a cooperative agreement entered into under subsection (c)(1) of this section with respect to that property. Any lands or any interest therein owned by the Commonwealth of Massachusetts or any political subdivision thereof may be acquired only by donation. If a tax lien is outstanding on property owned by the City of Lowell or if the City of Lowell has taken tax title in lieu of tax payments owed with respect to a property, the Secretary shall compensate the City of Lowell for the amount of taxes owed before acquiring such property.

(2) Notwithstanding any other provisions of law, any Federal property located within the boundaries of the park may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the park.

(b) With respect to property within the Intensive Use Zone, the Secretary shall make every reasonable effort to enter into cooperative agreements under subsection (c)(1) of this section or to acquire such property through negotiation and purchase. Where agreement is not reached and condemnation proceedings are filed, the owner of such property shall be paid the fair market value thereof as determined in such proceedings. Before filing such condemnation proceedings, the Secretary shall consult with the Commission established pursuant to section 5 of this Act and shall inform the City Council of Lowell of his intended action.

(c)(1) In furtherance of the general purposes of this Act, the Secretary may enter into cooperative agreements with the Commonwealth of Massachusetts, the City of Lowell, or any other owner of property within the (Intensive Use Zone) park to interpret, restore, preserve, manage, develop or maintain such property for the benefit of the public. Such agreements shall provide that the Secretary shall have the right of access at all reasonable times to all public portions of the properties for the purpose of conducting visitors through such properties and interpreting them to the public and that no changes shall be made in such properties except by mutual

agreement between the Secretary and the other parties to such agreements. The agreements may contain provisions which specify the extent of participation by the Secretary in the restoration, preservation, management, development, and maintenance of such properties.

(2) In furtherance of the general purposes of this Act, the Secretary is authorized to provide loans, grants, and technical assistance to owners of property within the (Preservation Zone) park in order to promote the construction, restoration, alteration, and use of such properties as to be consistent with the standards and criteria established under subsection (g) of this section.

(3) Funds appropriated for this Act may be spent by the Secretary to carry out any agreements entered into under subsection (c)(1) of this section. The availability of Federal funds authorized and appropriated for similar purposes under and other Federal programs shall not be prejudiced because of any expenditure made by the Secretary under this Act.

(d) In exercising the authority to acquire property by exchange the Secretary may accept title to any non-Federal property within the area designated by section 2 of this Act for inclusion in the park, and in exchange therefor the Secretary may convey to the grantor of such property any federally owned property under jurisdiction of the Secretary within the Commonwealth of Massachusetts which the Secretary classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal to, if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances may require.

Administration

Sec. 4. (a) In the administration of the park the Secretary may utilize such laws, rules and regulations applicable to the national park system as the Secretary deems appropriate to carry out the purposes of this Act.

(b) The Secretary may enter into cooperative agreements with any Federal agency or with the Commonwealth of Massachusetts (or any political subdivision thereof) for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement and fire preventive assistance relating to the park.

(c) Notwithstanding any other provision of law, the Secretary may purchase, construct, operate, maintain, directly or by agreement in accordance with section 3(c) of this Act, transportation services and facilities for visitors within the Intensive Use Zone, including barge equipment, docking facilities, and local rail facilities.

(d) The Secretary, in consultation with the Commission created pursuant to section 5 of this Act, shall inventory and evaluate all sites and structures within the park having historical, cultural, or architectural significance and shall provide for their preservation, restoration, interpretation, and utilization in accordance with the standards and criteria established under subsection (g) of this section.

(e) Not later than two years after the date of the enactment of this Act, the Secretary shall submit, in writing, to the appropriate committees of the Congress, a detailed park management plan which indicates--

- (1) the lands and areas within the boundaries established pursuant to section 2 of this Act which the Secretary deems essential to the preservation, development, and public enjoyment of this park;
- (2) the properties with respect to which the Secretary has entered into cooperative agreements under section 3 (c)(1) of this Act, and the level of funding required to restore, preserve, and maintain such properties;
- (3) the lands which the Secretary has acquired by purchase, donation, exchange, or transfer for the purpose of the park; and
- (4) the annual programs (including the level of funding) which are essential to assist the Secretary in developing the park and which the Secretary recommends for the ensuing fiscal years.

(f) Notwithstanding any other provision of law, the Secretary is authorized to accept donations of funds, property,

or services from individuals, foundations, corporations, or public entities for the purposes of providing services and facilities which he deems consistent with the purposes of this Act.

(g)(1) With the advice of the Commission created pursuant to section 5 of this Act, the Secretary shall establish standards and criteria applicable to the construction, restoration, alteration, and use of all properties within the Intensive Use Zone. With the advice of such Commission and the concurrence of the City Manager of Lowell, the Secretary shall establish standards and criteria applicable to the construction, restoration, alteration and use of all properties within the Preservation Zone. Such standards and criteria will ensure that any construction, restoration, or alteration activities within the park will be undertaken in a manner consistent with the purposes of this Act.

(2) Any such standards and criteria applicable to the Intensive Use Zone may be revised by the Secretary with the advice of the Commission created under section 5 of this Act. Any such standards and criteria applicable to the Preservation Zone may be revised by the Secretary with the advice of such Commission and the concurrence of the City Manager of Lowell.

(3) The Secretary shall publish such standards and criteria and any revisions thereof in the Federal Register.

(4) Any Federal agency conducting or supporting activities directly affecting the park shall consult with, cooperate with, and to the maximum extent practicable, coordinate its activities with the Secretary. Any such Federal agency shall conduct or support such activities in a manner which (A) is, to the maximum extent practicable, consistent with the standards and criteria developed pursuant to this subsection, and (B) will not have a substantial adverse effect on the resources of the park.

(5) Any applicant for a required Federal license or permit to conduct an activity within the park shall provide in the application to the licensing or permitting agency a certification that the proposed activity will be conducted in a manner consistent with the standards and criteria developed pursuant to this subsection and that such activity will not have an adverse effect on the resources of the park. No license or permit shall be granted by the Federal agency if the Secretary finds that the granting of a Federal license or permit to conduct an activity within the park will have an adverse effect on the resources of the park.

(6) The Secretary, in establishing such standards and criteria and evaluating any applicant for a required Federal license or permit to conduct an activity within the park, shall be guided,

in part, by the authorities and procedures developed pursuant to "An Act to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes" approved October 15, 1966 (80 Stat. 915), the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255), and the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098).

(7) The Secretary shall provide the City of Lowell with such technical assistance as may be required to enable the city to establish regulations or laws which regulate construction, restoration, or alteration activities in a manner consistent with the standards and criteria developed pursuant to this subsection. The Secretary may not prohibit any construction, restoration, or alteration activity which is in conformity with such city regulations or laws.

Advisory Commission

Sec. 5(a). There is hereby established the Lowell National Cultural Park Advisory Commission (hereinafter referred to as the "Commission"). The Commission shall consist of fifteen members as follows:

- (1) the Representative in Congress representing the City of Lowell;
- (2) three members appointed by the Secretary from recommendations submitted by the City Manager of Lowell, who shall be broadly representative of

the business community, local neighborhoods,
and educational and cultural institutions,
and who are not elected officials;

(3) three members of the City Council of Lowell
appointed by the Secretary from recommendations
submitted by the Mayor of Lowell;

(4) three members, one designated by each of the
following: the Secretary of Transportation,
the Secretary of Housing and Urban Development,
and the Secretary of Commerce;

(5) two members designated by the Secretary; and

(6) three members appointed by the Secretary from
recommendations submitted by the Governor of the
Commonwealth of Massachusetts

(b) the Commission shall elect one member to be
Chairman

(c) A vacancy in the Commission shall not effect
its powers. Any such vacancy shall be filled
in the same manner in which the original
appointment was made.

(d) The Commission shall act and advise by affirm-
ative vote of a majority of its members.

(e) Members of the Commission who are officers or
employees of the Federal Government, the City
of Lowell, or the Commonwealth of Massachusetts

shall serve without compensation as such. Other members, while engaged in the activities of the Commission, shall be entitled to compensation at a rate not to exceed \$100 per diem. All members may receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Commission.

- (f) Financial and administrative services (including those relating to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the Secretary. Payments for such services shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Secretary. The regulations of the Department of Interior for the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to or on behalf of a Commission member or employee, and regulations of the Secretary for the administrative control of funds shall apply to appropriations of the Commission. The Commission shall not be required to prescribe such regulations.

- (g) Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined to be reasonable.
- (h) The Federal executive departments represented shall provide the Commission on a reimbursable basis such facilities and services as the Commission may request. The Commission may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties. Upon the termination of the Commission, all property, personal and real, and unexpended funds shall be transferred to the Department of Interior, or, if a successor coordinating entity is created, to such entity.
- (i) The Commission shall advise the Secretary with respect to the following--
 - (1) the boundaries of the park;
 - (2) standards and criteria for the construction, restoration, alteration, and use of all properties within the park;
 - (3) development of properties within the Intensive Use Zone;

- (4) development, use, and coordination of activities in the Preservation Zone;
- (5) initiation of programs within the park directed at use and development of educational and cultural activities consistent with the the general purposes of this Act;
- (6) development of a park management plan pursuant to section 4(e) of this Act; and
- (7) the appropriateness of creating a coordinating entity to succeed the Commission.

(j) Not later than two years after the date of the enactment of this Act, the Commission shall submit to the Secretary a written report concerning the appropriateness of creating a coordinating entity to succeed the Commission. In the case that the creation of such entity is recommended, the report shall recommend such entity's structure, powers, and duties. The Secretary shall submit such report to the Congress with the Secretary's recommendations thereon.

(k) The Commission shall terminate five years after the date of the establishment of the park or at such time as a successor coordinating entity is created and certified by the Secretary as operational, whichever first occurs. Members of the Commission shall serve for the life of the Commission.

Authorization of Appropriations

Sec. 6. There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.