

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

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

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

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

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

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

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

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

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

§ 410cc-22. Acquisition of property

(a) Specified property; manner of acquisition

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

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

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

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

(C) Old City Hall, 226 Merrimack Street.

(D) Merrimack Gatehouse, 269 Merrimack Street.

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

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

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

(i) 91 Pevey Street.

(ii) The portion of 607 Middlesex Place.

(iii) Eagle Court.

(iv) The portion of 50 Payne Street.

(v) 726 Broadway.

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

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

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

(2) is listed in the National Register of Historic Places, as maintained by the Secretary pursuant to chapter 302I and section 320102(c) of title 54; or

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

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

(c) Easements; manner of acquisition

The Secretary may acquire easements within the park for the purpose of carrying out this subchapter. Such easements may be acquired only as provided in subsection (a)(1) of this section.

(d) Exchange of land or interest in land

(1) The Secretary may exchange any land or interest in land within the boundaries of the park for any land or interest in land owned by the Commonwealth of Massachusetts, the city of Lowell, or the University of Massachusetts Building Authority.

(2) Except as provided in paragraph (3), an exchange under this subsection shall be subject to the laws, regulations, and policies applicable to exchanges of land administered by the National Park Service and any other terms and conditions that the Secretary determines to be necessary to protect the interests of the United States.

(3) Where facilities or infrastructure required for the management and operation of the Lowell National Historical Park exists on the Federal land to be exchanged, and the non-Federal land

¹ See References in Text note below.

or interest in land to be exchanged is not of equal value, the values shall be equalized by the payment of cash to the Secretary. The Secretary shall not be required to equalize the values of any exchange conducted under this subsection if the land or interest in land received by the Federal Government exceeds the value of the Federal land or interest in land exchanged.

(Pub. L. 95-290, title II, §202, June 5, 1978, 92 Stat. 293; Pub. L. 110-229, title III, §312(2), May 8, 2008, 122 Stat. 769; Pub. L. 112-182, §2, Oct. 5, 2012, 126 Stat. 1420.)

Editorial Notes

REFERENCES IN TEXT

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

CODIFICATION

In subsec. (b)(2), “chapter 3021 and section 320102(c) of title 54” substituted for “section 101(a) of the Act entitled ‘An Act to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes’, approved October 15, 1966 (16 U.S.C. 470a), and section 2(b) of the Act entitled ‘An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes’, approved August 21, 1935 (16 U.S.C. 462)” on authority of Pub. L. 113-287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

AMENDMENTS

2012—Subsec. (d), Pub. L. 112-182 added subsec. (d).

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

§ 410cc-23. Agreements and technical assistance

(a) Interpretative exhibits or programs

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

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

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

(b) Request for assistance

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

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

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

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

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

§ 410cc-24. Withholding of funds; criteria

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

(a) the city of Lowell has failed to establish regulations or laws consistent with the standards and criteria established pursuant to section 410cc-32(e) of this title within one year after the date such standards and criteria have been established, except that the Secretary may extend such one-year period for not more than six months if the Secretary determines that the city has made a good faith effort to establish such regulations or laws;

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

(c)(1) during the period before the city of Lowell has established regulations or laws consistent with the standards and criteria established pursuant to section 410cc-32(e) of this title, the city of Lowell has granted any building permit or zoning variance or has taken any other action respecting any property within the park or preservation district, which either the Secretary or the Commission consider to be inconsistent with such standards and criteria;

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

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

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