

§ 410cc-12. Consultations, cooperation, and conduct of activities by Federal entities; issuance of licenses or permits by Federal entities

(a) Activities directly affecting park

Any Federal entity conducting or supporting activities directly affecting the park or preservation district shall—

(1) consult with, cooperate with, and to the maximum extent practicable, coordinate its activities with the Secretary and with the Commission; and

(2) conduct or support such activities in a manner which (A) to the maximum extent practicable is consistent with the standards and criteria established pursuant to section 410cc-32(e) of this title, and (B) will not have an adverse effect on the resources of the park or preservation district.

(b) Determination as to proposed activities

No Federal entity may issue any license or permit to any person to conduct an activity within the park or preservation district unless such entity determines that the proposed activity will be conducted in a manner consistent with the standards and criteria established pursuant to section 410cc-32(e) of this title and will not have an adverse effect on the resources of the park or preservation district.

(Pub. L. 95-290, title I, § 102, June 5, 1978, 92 Stat. 291.)

§ 410cc-13. Authorization of appropriations

(a) General authority; maximum amounts

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

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

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

(b) Commencement date

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

(c) Availability of appropriations

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

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

(1) Within 60 days after June 5, 1978, and on each subsequent October 1 and March 1, the Sec-

retary shall submit to the Congress a statement certifying the aggregate amount of money expended by the Commonwealth of Massachusetts, the city of Lowell, and by any nonprofit entity for activities in the city of Lowell consistent with the purpose of this subchapter during the period beginning on January 1, 1974, and ending on the date such statement is submitted.

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

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

AMENDMENTS

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

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100-134, § 2, Oct. 16, 1987, 101 Stat. 810, provided that:

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

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

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which a report required under subsec. (d)(1) of this section is listed on page 108), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

§ 410cc-14. Funding limitations

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

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

PART B—POWERS AND DUTIES OF SECRETARY

§ 410cc-21. Park management plan

(a) Submission date and contents of preparatory statement to Congress

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

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

(2) identifies the properties within the park and preservation district respecting which the

Secretary has entered into or intends to enter into agreements relating to interpretive exhibits or programs under section 410cc-23(a) of this title;

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

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

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

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

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

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

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

§ 410cc-22. Acquisition of property

(a) Specified property; manner of acquisition

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

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

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

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

(C) Old City Hall, 226 Merrimack Street.

(D) Merrimack Gatehouse, 269 Merrimack Street.

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

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

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

(i) 91 Pevey Street.

(ii) The portion of 607 Middlesex Place.

(iii) Eagle Court.

(iv) The portion of 50 Payne Street.

(v) 726 Broadway.

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

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

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

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

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

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

(c) Easements; manner of acquisition

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

(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 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.

¹ See References in Text note below.