

LOWELL NATIONAL HISTORICAL PARK LAND EXCHANGE  
ACT OF 2011

APRIL 19, 2012.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural  
Resources, submitted the following

R E P O R T

[To accompany H.R. 2240]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2240) to authorize the exchange of land or interest in land between Lowell National Historical Park and the city of Lowell in the Commonwealth of Massachusetts, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Lowell National Historical Park Land Exchange Act of 2012”.

**SEC. 2. AMENDMENTS.**

The Act entitled “An act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes” approved June 5, 1978 (Public Law 95-290; 16 U.S.C. 410cc et seq.), is amended in section 202, by adding at the end the following:

“(d)(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.”.

#### PURPOSE OF THE BILL

The purpose of H.R. 2240, as ordered reported, is to authorize the exchange of land or interest in land between Lowell National Historical Park and the city of Lowell in the Commonwealth of Massachusetts.

#### BACKGROUND AND NEED FOR LEGISLATION

Lowell National Historical Park in Lowell, Massachusetts, was created in 1978 (Public Law 95–290), to preserve and interpret the City’s nationally significant historical and cultural sites, structures, and districts associated with the City’s role in the 19th century American industrial revolution.

The Lowell National Historical Park Land Exchange Act of 2011 (H.R. 2240) authorizes a land exchange between the Lowell National Historical Park and the City of Lowell, the Commonwealth of Massachusetts, or the University of Massachusetts Building Authority. This will allow the transfer of the visitor center parking lot on Dutton Street in exchange for an equal number of parking spaces in a new garage to be built by the City adjacent to the existing parking lot. The National Park Service land where the Dutton Street lots are located is needed for development of the Hamilton Canal District. The stakeholders have concluded that this is the use most beneficial to the community and park visitors.

While the National Park Service supports the exchange with Lowell, federal law requires that it receive land of equal value in exchange. The legislation allows for payment to the Park to equalize the exchange and meet the requirement. Any payment received would go to the U.S. Treasury.

As introduced, the legislation extended the Lowell National Historical Park Loan Preservation Program for an additional 25 years. Originally authorized for 35 years, the program provides loans up to \$200,000 for the rehabilitation of nationally significant historic properties. Extending the loan program would delay repayment of funds to the United States Treasury otherwise due in 2018.

During full committee markup of the bill, the committee adopted an amendment offered by Congressman Rob Bishop (R–UT) to remove the loan reauthorization provision and to direct the equalization payments from the land exchange to the United States Treasury.

#### COMMITTEE ACTION

H.R. 2240 was introduced on June 16, 2011, by Congresswoman Niki Tsongas (D–MA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On January 24, 2012, the Subcommittee held a hearing on the bill. On February 29, 2012, the Full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. Congressman Rob Bishop (R–UT) offered amendment designated #1 to the bill; the

amendment was approved by voice vote. No further amendments were offered and the bill, as amended, was ordered favorably reported to the House of Representatives by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

#### COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

#### *H.R. 2240—Lowell National Historical Park Land Exchange Act of 2011*

H.R. 2240 would enable the National Park Service (NPS) to acquire and integrate new lands into the Lowell National Historical Park through exchanges with public agencies. Under current law, NPS can only acquire lands for the park through donation. Based on information provided by NPS, CBO estimates that enacting H.R. 2240 would have no significant impact on the federal budget.

Enacting H.R. 2240 could affect direct spending; therefore, pay-as-you-go procedures apply. If NPS were to acquire land of a lower value than the park land exchanged, NPS would receive a cash payment to equalize the values. Thus, CBO estimates that enacting the legislation could increase offsetting receipts (a credit against direct spending); however, any impact on the budget would be insignificant for each year. Enacting H.R. 2240 would not affect revenues.

H.R. 2240 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. **Section 308(a) of Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the National Park Service, CBO estimates that enacting H.R. 2240 would have no significant impact on the federal budget.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to authorize the exchange of land or interest in land between Lowell National Historical Park and the city of Lowell in the Commonwealth of Massachusetts.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates as defined under Public Law 104-4.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

**SECTION 202 OF THE ACT OF JUNE 5, 1978**

(Public Law 95-290)

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

AQUISITION OF PROPERTY

SEC. 202. (a) \* \* \*

\* \* \* \* \*

*(d)(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*

5

*by the Federal Government exceeds the value of the Federal land or interest in land exchanged.*

○