

Calendar No. 599

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 608**

**A BILL**

To establish the New Bedford Whaling National  
Historical Park in New Bedford, Massachusetts,  
and for other purposes.

SEPTEMBER 16, 1996

Reported with amendments

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## IN THE SENATE OF THE UNITED STATES

MARCH 23, 1995

Mr. KENNEDY (for himself and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 16, 1996

Reported by Mr. MURKOWSKI, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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## A BILL

To establish the New Bedford Whaling National Historical Park in New Bedford, 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,*

3       **SECTION 1. FINDINGS AND PURPOSES.**

4       (a) FINDINGS.—The Congress finds that—

5               (1) the New Bedford National Historic Land-  
6       mark District and associated historic sites as de-

1 scribed in section 3(b) of this Act, including the  
2 Schooner Ernestina, are National Historic Land-  
3 marks and are listed on the National Register of  
4 Historic Places as historic sites associated with the  
5 history of whaling in the United States;

6 (2) the city of New Bedford was the 19th cen-  
7 tury capital of the world's whaling industry and re-  
8 tains significant architectural features, archival ma-  
9 terials, and museum collections illustrative of this  
10 period;

11 (3) New Bedford's historic resources provide  
12 unique opportunities for illustrating and interpreting  
13 the whaling industry's contribution to the economic,  
14 social, and environmental history of the United  
15 States and provide opportunities for public use and  
16 enjoyment; and

17 ~~(4) the National Park System presently con-~~  
18 ~~tains no sites commemorating whaling and its con-~~  
19 ~~tribution to American history.~~

20 *(4) during the nineteenth century, over two thou-*  
21 *sand whaling voyages sailed out of New Bedford for*  
22 *the Arctic region of Alaska, and joined Alaska Natives*  
23 *from Barrow, Alaska and other areas in the Arctic re-*  
24 *gion in subsistence whaling activities; and*



1 as a national historical park certain districts structures,  
2 and relies located in New Bedford, Massachusetts, and as-  
3 sociated with the history of whaling and related social and  
4 economic themes in America, there is established the New  
5 Bedford Whaling National Historical Park.

6 (b) BOUNDARIES.—(1) The boundaries of the park  
7 shall be those generally depicted on the map numbered  
8 NAR-P49-80000-4 and dated June 1994. Such map  
9 shall be on file and available for public inspection in the  
10 appropriate offices of the National Park Service. In case  
11 of any conflict between the descriptions set forth in sub-  
12 paragraphs (A) through (D) and such map, such map  
13 shall govern. The park shall include the following:

14 (A) The area included within the New Bedford  
15 National Historic Landmark District, known as the  
16 Bedford Landing Waterfront Historic District, as  
17 listed within the National Register of Historic Places  
18 and in the Massachusetts State Register of Historic  
19 Places.

20 (B) The National Historic Landmark Schooner  
21 Ernestina, with its home port in New Bedford.

22 (C) The land along the eastern boundary of the  
23 New Bedford National Historic Landmark District  
24 over to the east side of MacArthur Drive from the

1 Route 6 overpass on the north to an extension of  
2 School Street on the south.

3 (D) The land north of Elm Street in New Bed-  
4 ford, bounded by Acushnet Avenue on the west,  
5 Route 6 (ramps) on the north, MacArthur Drive on  
6 the east, and Elm Street on the south.

7 (2) In addition to the sites, areas and relics referred  
8 to in paragraph (1) , the Secretary may assist in the inter-  
9 pretation and preservation of each of the following:

10 (A) The southwest corner of the State Pier.

11 (B) Waterfront Park, immediately south of land  
12 adjacent to the State Pier.

13 (C) The Rotch-Jones-Duff House and Garden  
14 Museum, located at 396 County Street.

15 (D) The Wharfinger Building, located on Piers  
16 3 and 4.

17 (E) The Bourne Counting House, located on  
18 Merrill's Wharf.

19 *(c) RELATED FACILITIES.—To ensure that the con-*  
20 *tribution of Alaska Natives to the history of whaling in the*  
21 *United States is fully recognized, the Secretary shall pro-*  
22 *vide—(1) financial and other assistance to establish links*  
23 *between the New Bedford Whaling National Historical Park*  
24 *and the North Slope Borough Cultural Center, located in*  
25 *Barrow, Alaska; and (2) to provide other appropriate as-*

1 *sistance and funding for the North Slope Borough Cultural*  
2 *Center.*

3 **SEC. 4. ADMINISTRATION OF PARK.**

4 (a) IN GENERAL.—The park shall be administered by  
5 the Secretary in accordance with this Act and the provi-  
6 sions of law generally applicable to units of the national  
7 park system, including the Act entitled “An Act to estab-  
8 lish a National Park Service, and for other purposes”, ap-  
9 proved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2,  
10 3, and 4) and the Act of August 21, 1935 (49 Stat. 666;  
11 16 U.S.C. 461–467).

12 (b) COOPERATIVE AGREEMENTS.—(1) The Secretary  
13 may consult and enter into cooperative agreements with  
14 interested entities and individuals to provide for the pres-  
15 ervation, development, interpretation, and use of the park.

16 (2) Any payment made by the Secretary pursuant to  
17 a cooperative agreement under this subsection shall be  
18 subject to an agreement that conversion, use, or disposal  
19 of the project so assisted for purposes contrary to the pur-  
20 poses of this Act, as determined by the Secretary, shall  
21 result in a right of the United States to reimbursement  
22 of all funds made available to such project or the propor-  
23 tion of the increased value of the project attributable to  
24 such funds as determined at the time of such conversion,  
25 use, or disposal, whichever is greater.

1 (c) NON-FEDERAL MATCHING REQUIREMENTS.—(1)  
2 Funds authorized to be appropriated to the Secretary for  
3 the purposes of—

4 (A) cooperative agreements under subsection  
5 (b) shall be expended in the ratio of one dollar of  
6 Federal funds for each four dollars of funds contrib-  
7 uted by non-Federal sources; and

8 (B) construction, restoration, and rehabilitation  
9 of visitor and interpretive facilities (other than an-  
10 nual operation and maintenance costs) shall be ex-  
11 pended in the ratio of one dollar of Federal funds  
12 for each one dollar of funds contributed by non-Fed-  
13 eral sources.

14 (2) For the purposes of this subsection, the Secretary  
15 is authorized to accept from non-Federal sources, and to  
16 utilize for purposes of this Act, any money so contributed.  
17 With the approval of the Secretary, any donation of prop-  
18 erty, services, or goods from a non-Federal source may  
19 be considered as a contribution of funds from a non-Fed-  
20 eral source for the purposes of this subsection.

21 (d) ACQUISITION OF REAL PROPERTY.—For the pur-  
22 poses of the park, the Secretary may acquire only by dona-  
23 tion lands, interests in lands, and improvements thereon  
24 within the park.

1 (e) OTHER PROPERTY, FUNDS, AND SERVICES.—The  
 2 Secretary may accept donated funds, property, and serv-  
 3 ices to carry out this Act.

4 **SEC. 5. GENERAL MANAGEMENT PLAN.**

5 Not later than the end of the second fiscal year begin-  
 6 ning after the date of enactment of this Act, the Secretary  
 7 shall submit to the Committee on Resources of the House  
 8 of Representatives and the Committee on Energy and  
 9 Natural Resources of the Senate a general management  
 10 plan for the park and shall implement such plan as soon  
 11 as practically possible. The plan shall be prepared in ac-  
 12 cordance with section 12(b) of the Act of August 18, 1970  
 13 (16 U.S.C. 1a–7(b)) and other applicable law.

14 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—Except as provided in subsection  
 16 (b), there are authorized to be appropriated such sums  
 17 as may be necessary to carry out annual operations and  
 18 maintenance with respect to the ~~park.~~ *park, and to carry*  
 19 *out the activities under section 3(c).*

20 (b) EXCEPTIONS.—In carrying out this Act—

21 (1) not more than \$2,000,000 may be appro-  
 22 priated for construction, restoration, and rehabilita-  
 23 tion of visitor and interpretive facilities, and direc-  
 24 tional and visitor orientation signage;

1           (2) none of the funds authorized to be appro-  
2           priated by this Act may be used for the operation or  
3           maintenance of the Schooner Ernestina; and

4           (3) not more than \$50,000 annually of Federal  
5           funds may be used for interpretive and educational  
6           programs for the Schooner Ernestina pursuant to  
7           cooperative grants under section 4(b).