

104TH CONGRESS
2D SESSION

S. 1720

To establish the Nicodemus National Historic Site and the New Bedford
National Historic Landmark.

IN THE SENATE OF THE UNITED STATES

MAY 1, 1996

Mr. DOLE (for himself, Mr. KENNEDY, and Mr. KERRY) introduced the
following bill; which was read twice and ordered held at the desk

A BILL

To establish the Nicodemus National Historic Site and the
New Bedford National Historic Landmark.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—NICODEMUS NATIONAL**

4 **HISTORIC SITE**

5 **SECTION 1. FINDINGS AND PURPOSES.**

6 (a) FINDINGS.—Congress finds that—

7 (1) the town of Nicodemus, in Kansas, has na-
8 tional significance as the only remaining western
9 town established by African-Americans during the
10 Reconstruction period following the Civil War;

1 (2) the town of Nicodemus is symbolic of the
2 pioneer spirit of African-Americans who dared to
3 leave the only region they had been familiar with to
4 seek personal freedom and the opportunity to de-
5 velop their talents and capabilities; and

6 (3) the town of Nicodemus continues to be a
7 viable African-American community.

8 (b) PURPOSES.—The purposes of this Act are—

9 (1) to preserve, protect, and interpret for the
10 benefit and enjoyment of present and future genera-
11 tions, the remaining structures and locations that
12 represent the history (including the settlement and
13 growth) of the town of Nicodemus, Kansas; and

14 (2) to interpret the historical role of the town
15 of Nicodemus in the Reconstruction period in the
16 context of the experience of westward expansion in
17 the United States.

18 **SEC. 2. DEFINITIONS.**

19 In this Act:

20 (1) HISTORIC SITE.—The term “historic site”
21 means the Nicodemus National Historic Site estab-
22 lished by section 3.

23 (2) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior.

1 **SEC. 3. ESTABLISHMENT OF NICODEMUS NATIONAL HIS-**
2 **TORIC SITE.**

3 (a) ESTABLISHMENT.—There is established the
4 Nicodemus National Historic Site in Nicodemus, Kansas.

5 (b) DESCRIPTION.—

6 (1) IN GENERAL.—The historic site shall con-
7 sist of the First Baptist Church, the St. Francis
8 Hotel, the Nicodemus School District Number 1, the
9 African Methodist Episcopal Church, and the Town-
10 ship Hall located within the approximately 161.35
11 acres designated as the Nicodemus National Land-
12 mark in the Township of Nicodemus, Graham Coun-
13 ty, Kansas, as registered on the National Register of
14 Historic Places pursuant to section 101 of the Na-
15 tional Historic Preservation Act (16 U.S.C. 470a),
16 and depicted on a map entitled “Nicodemus Na-
17 tional Historic Site”, numbered 80,000 and dated
18 August 1994.

19 (2) MAP AND BOUNDARY DESCRIPTION.—The
20 map referred to in paragraph (1) and an accom-
21 panying boundary description shall be on file and
22 available for public inspection in the office of the Di-
23 rector of the National Park Service and any other
24 office of the National Park Service that the Sec-
25 retary determines to be an appropriate location for
26 filing the map and boundary description.

1 **SEC. 4. ADMINISTRATION OF THE HISTORIC SITE.**

2 (a) IN GENERAL.—The Secretary shall administer
3 the historic site in accordance with—

4 (1) this Act; and

5 (2) the provisions of law generally applicable to
6 units of the National Park System, including the Act
7 entitled “An Act to establish a National Park Serv-
8 ice, and for other purposes”, approved August 25,
9 1916 (16 U.S.C. 1 et seq.), and the Act of August
10 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461
11 et seq.).

12 (b) COOPERATIVE AGREEMENTS.—To further the
13 purposes specified in section 1(b), the Secretary may enter
14 into a cooperative agreement with any interested individ-
15 ual, public or private agency, organization, or institution.

16 (c) TECHNICAL AND PRESERVATION ASSISTANCE.—

17 (1) IN GENERAL.—The Secretary may provide
18 to any eligible person described in paragraph (2)
19 technical assistance for the preservation of historic
20 structures of, the maintenance of the cultural land-
21 scape of, and local preservation planning for, the
22 historic site.

23 (2) ELIGIBLE PERSONS.—The eligible persons
24 described in this paragraph are—

1 (A) an owner of real property within the
 2 boundary of the historic site, as described in
 3 section 3(b); and

4 (B) any interested individual, agency, or-
 5 ganization, or institution that has entered into
 6 an agreement with the Secretary pursuant to
 7 subsection (b).

8 **SEC. 5. ACQUISITION OF REAL PROPERTY.**

9 (a) IN GENERAL.—Subject to subsection (b), the Sec-
 10 retary is authorized to acquire by donation, exchange, or
 11 purchase with funds made available by donation or appro-
 12 priation, such lands or interests in lands as may be nec-
 13 essary to allow for the interpretation, preservation, or res-
 14 toration of the First Baptist Church, the St. Francis
 15 Hotel, the Nicodemus School District Number 1, the Afri-
 16 can Methodist Episcopal Church, or the Township Hall,
 17 as described in section 3(b)(1), or any combination there-
 18 of.

19 (b) LIMITATIONS.—

20 (1) ACQUISITION OF PROPERTY OWNED BY THE
 21 STATE OF KANSAS.—Real property that is owned by
 22 the State of Kansas or a political subdivision of the
 23 State of Kansas that is acquired pursuant to sub-
 24 section (a) may only be acquired by donation.

1 (2) CONSENT OF OWNER REQUIRED.—No real
2 property may be acquired under this section without
3 the consent of the owner of the real property.

4 **SEC. 6. GENERAL MANAGEMENT PLAN.**

5 (a) IN GENERAL.—Not later than the last day of the
6 third full fiscal year beginning after the date of enactment
7 of this Act, the Secretary shall, in consultation with the
8 officials described in subsection (b), prepare a general
9 management plan for the historic site.

10 (b) CONSULTATION.—In preparing the general man-
11 agement plan, the Secretary shall consult with an appro-
12 priate official of each of the following:

13 (1) The Nicodemus Historical Society.

14 (2) The Kansas Historical Society.

15 (3) Appropriate political subdivisions of the
16 State of Kansas that have jurisdiction over all or a
17 portion of the historic site.

18 (c) SUBMISSION OF PLAN TO CONGRESS.—Upon the
19 completion of the general management plan, the Secretary
20 shall submit a copy of the plan to—

21 (1) the Committee on Energy and Natural Re-
22 sources of the Senate; and

23 (2) the Committee on Resources of the House
24 of Representatives.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the De-
3 partment of the Interior such sums as are necessary to
4 carry out this Act.

5 **TITLE II—NEW BEDFORD NATIONAL**
6 **HISTORIC LANDMARK DISTRICT**

7 **SECTION 1. FINDINGS AND PURPOSES.**

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

9 (1) the New Bedford National Historic Land-
10 mark District and associated historic sites as de-
11 scribed in section 3(b) of this Act, including the
12 Schooner Ernestina, are National Historic Land-
13 marks and are listed on the National Register of
14 Historic Places as historic sites associated with the
15 history of whaling in the United States;

16 (2) the city of New Bedford was the 19th cen-
17 tury capital of the world’s whaling industry and re-
18 tains significant architectural features, archival ma-
19 terials, and museum collections illustrative of this
20 period;

21 (3) New Bedford’s historic resources provide
22 unique opportunities for illustrating and interpreting
23 the whaling industry’s contribution to the economic,
24 social, and environmental history of the United
25 States and provide opportunities for public use and
26 enjoyment; and

1 (4) the National Park System presently con-
2 tains no sites commemorating whaling and its con-
3 tribution to American history.

4 (b) PURPOSES.—The purposes of this Act are—

5 (1) to help preserve, protect, and interpret the
6 resources within the areas described in section 3(b)
7 of this Act, including architecture, setting, and asso-
8 ciated archival and museum collections;

9 (2) to collaborate with the city of New Bedford
10 and with local historical, cultural, and preservation
11 organizations to further the purposes of the park es-
12 tablished under this Act; and

13 (3) to provide opportunities for the inspirational
14 benefit and education of the American people.

15 **SEC. 2. DEFINITIONS.**

16 For the purposes of this Act:

17 (1) The term “park” means the New Bedford
18 Whaling National Historical Park established by sec-
19 tion 3.

20 (2) The term “Secretary” means the Secretary
21 of the Interior.

22 **SEC. 3. NEW BEDFORD WHALING NATIONAL HISTORICAL**
23 **PARK.**

24 (a) ESTABLISHMENT.—In order to preserve for the
25 benefit and inspiration of the people of the United States

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

20 (a) IN GENERAL.—The park shall be administered by
21 the Secretary in accordance with this Act and the provi-
22 sions of law generally applicable to units of the national
23 park system, including the Act entitled “An Act to estab-
24 lish a National Park Service, and for other purposes”, ap-
25 proved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2,

1 3, and 4) and the Act of August 21, 1935 (49 Stat. 666;
2 16 U.S.C. 461–467).

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

7 (2) Any payment made by the Secretary pursuant to
8 a cooperative agreement under this subsection shall be
9 subject to an agreement that conversion, use, or disposal
10 of the project so assisted for purposes contrary to the pur-
11 poses of this Act, as determined by the Secretary, shall
12 result in a right of the United States to reimbursement
13 of all funds made available to such project or the propor-
14 tion of the increased value of the project attributable to
15 such funds as determined at the time of such conversion,
16 use, or disposal, whichever is greater.

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

20 (A) cooperative agreements under subsection
21 (b) shall be expended in the ratio of one dollar of
22 Federal funds for each four dollars of funds contrib-
23 uted by non-Federal sources; and

24 (B) construction, restoration, and rehabilitation
25 of visitor and interpretive facilities (other than an-

1 nual operation and maintenance costs) shall be ex-
2 pended in the ratio of one dollar of Federal funds
3 for each one dollar of funds contributed by non-Fed-
4 eral sources.

5 (2) For the purposes of this subsection, the Secretary
6 is authorized to accept from non-Federal sources, and to
7 utilize for purposes of this Act, any money so contributed.
8 With the approval of the Secretary, any donation of prop-
9 erty, services, or goods from a non-Federal source may
10 be considered as a contribution of funds from a non-Fed-
11 eral source for the purposes of this subsection.

12 (d) ACQUISITION OF REAL PROPERTY.—For the pur-
13 poses of the park, the Secretary may acquire only by dona-
14 tion lands, interests in lands, and improvements thereon
15 within the park.

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

19 **SEC. 5. GENERAL MANAGEMENT PLAN.**

20 Not later than the end of the second fiscal year begin-
21 ning after the date of enactment of this Act, the Secretary
22 shall submit to the Committee on Resources of the House
23 of Representatives and the Committee on Energy and
24 Natural Resources of the Senate a general management
25 plan for the park and shall implement such plan as soon

1 as practically possible. The plan shall be prepared in ac-
2 cordance with section 12(b) of the Act of August 18, 1970
3 (16 U.S.C. 1a–7(b)) and other applicable law.

4 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—Except as provided in subsection
6 (b), there are authorized to be appropriated such sums
7 as may be necessary to carry out annual operations and
8 maintenance with respect to the park.

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

10 (1) not more than \$2,000,000 may be appro-
11 priated for construction, restoration, and rehabilita-
12 tion of visitor and interpretive facilities, and direc-
13 tional and visitor orientation signage;

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

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

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