

104TH CONGRESS  
1ST SESSION

# S. 608

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

---

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

---

## 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-  
7 scribed in section 3(b) of this Act, including the  
8 Schooner Ernestina, are National Historic Land-  
9 marks and are listed on the National Register of

1 Historic Places as historic sites associated with the  
2 history of whaling in the United States;

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

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

14 (4) the National Park System presently con-  
15 tains no sites commemorating whaling and its con-  
16 tribution to American history.

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

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

22 (2) to collaborate with the city of New Bedford  
23 and with local historical, cultural, and preservation  
24 organizations to further the purposes of the park es-  
25 tablished under this Act; and

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

3 **SEC. 2. DEFINITIONS.**

4           For the purposes of this Act:

5           (1) The term “park” means the New Bedford  
6           Whaling National Historical Park established by sec-  
7           tion 3.

8           (2) The term “Secretary” means the Secretary  
9           of the Interior.

10 **SEC. 3. NEW BEDFORD WHALING NATIONAL HISTORICAL**  
11 **PARK.**

12           (a) ESTABLISHMENT.—In order to preserve for the  
13 benefit and inspiration of the people of the United States  
14 as a national historical park certain districts structures,  
15 and relics located in New Bedford, Massachusetts, and as-  
16 sociated with the history of whaling and related social and  
17 economic themes in America, there is established the New  
18 Bedford Whaling National Historical Park.

19           (b) BOUNDARIES.—(1) The boundaries of the park  
20 shall be those generally depicted on the map numbered  
21 NAR-P49-80000-4 and dated June 1994. Such map  
22 shall be on file and available for public inspection in the  
23 appropriate offices of the National Park Service. In case  
24 of any conflict between the descriptions set forth in sub-

1 paragraphs (A) through (D) and such map, such map  
2 shall govern. The park shall include the following:

3 (A) The area included within the New Bedford  
4 National Historic Landmark District, known as the  
5 Bedford Landing Waterfront Historic District, as  
6 listed within the National Register of Historic Places  
7 and in the Massachusetts State Register of Historic  
8 Places.

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

11 (C) The land along the eastern boundary of the  
12 New Bedford National Historic Landmark District  
13 over to the east side of MacArthur Drive from the  
14 Route 6 overpass on the north to an extension of  
15 School Street on the south.

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

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

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

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

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

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

5 (E) The Bourne Counting House, located on  
6 Merrill's Wharf.

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

8 (a) IN GENERAL.—The park shall be administered by  
9 the Secretary in accordance with this Act and the provi-  
10 sions of law generally applicable to units of the national  
11 park system, including the Act entitled “An Act to estab-  
12 lish a National Park Service, and for other purposes”, ap-  
13 proved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2,  
14 3, and 4) and the Act of August 21, 1935 (49 Stat. 666;  
15 16 U.S.C. 461–467).

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

20 (2) Any payment made by the Secretary pursuant to  
21 a cooperative agreement under this subsection shall be  
22 subject to an agreement that conversion, use, or disposal  
23 of the project so assisted for purposes contrary to the pur-  
24 poses of this Act, as determined by the Secretary, shall  
25 result in a right of the United States to reimbursement

1 of all funds made available to such project or the propor-  
2 tion of the increased value of the project attributable to  
3 such funds as determined at the time of such conversion,  
4 use, or disposal, whichever is greater.

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

8 (A) cooperative agreements under subsection  
9 (b) shall be expended in the ratio of one dollar of  
10 Federal funds for each four dollars of funds contrib-  
11 uted by non-Federal sources; and

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

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

1 (d) ACQUISITION OF REAL PROPERTY.—For the pur-  
2 poses of the park, the Secretary may acquire only by dona-  
3 tion lands, interests in lands, and improvements thereon  
4 within the park.

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

8 **SEC. 5. GENERAL MANAGEMENT PLAN.**

9 Not later than the end of the second fiscal year begin-  
10 ning after the date of enactment of this Act, the Secretary  
11 shall submit to the Committee on Resources of the House  
12 of Representatives and the Committee on Energy and  
13 Natural Resources of the Senate a general management  
14 plan for the park and shall implement such plan as soon  
15 as practically possible. The plan shall be prepared in ac-  
16 cordance with section 12(b) of the Act of August 18, 1970  
17 (16 U.S.C. 1a–7(b)) and other applicable law.

18 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

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

24 (1) not more than \$2,000,000 may be appro-  
25 priated for construction, restoration, and rehabilita-

1       tion of visitor and interpretive facilities, and direc-  
2       tional and visitor orientation signage;

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

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

○