

Union Calendar No. 349

103^D CONGRESS
2^D SESSION

H. R. 3898

[Report No. 103-643]

A BILL

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

AUGUST 1, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1994

Mr. FRANK of Massachusetts (for himself, Mr. MOAKLEY, Mr. MARKEY, Mr. STUDDS, Mr. BLUTE, Mr. KENNEDY, Mr. TORKILDSEN, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. OLVER, and Mr. FALEOMAVAEGA) introduced the following bill; which was referred to the Committee on Natural Resources

AUGUST 1, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 24, 1994]

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,*

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

2 (a) *FINDINGS.*—*The Congress finds that—*

3 (1) *the New Bedford National Historic Land-*
4 *mark District and associated historic sites as de-*
5 *scribed in section 3(b) of this Act, including the*
6 *Schooner Ernestina, are National Historic Land-*
7 *marks and are listed on the National Register of His-*
8 *toric Places as historic sites associated with the his-*
9 *tory of whaling in the United States;*

10 (2) *the city of New Bedford was the 19th century*
11 *capital of the world's whaling industry and retains*
12 *significant architectural features, archival materials,*
13 *and museum collections illustrative of this period;*

14 (3) *New Bedford's historic resources provide op-*
15 *portunities for illustrating and interpreting the whal-*
16 *ing industry's contribution to the economic, social,*
17 *and environmental history of the United States and*
18 *provide opportunities for public use and enjoyment;*
19 *and*

20 (4) *the National Park System presently contains*
21 *no sites commemorating whaling and its contribution*
22 *to American history.*

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

24 (1) *to preserve, protect, and interpret the re-*
25 *sources within the areas described in section 3(b) of*

1 (b) *BOUNDARIES.*—(1) *The boundaries of the park*
2 *shall be those generally depicted on the map numbered*
3 *NAR-P49-80000-4 and dated June 1994. Such map shall*
4 *be on file and available for public inspection in the appro-*
5 *priate offices of the National Park Service. The park shall*
6 *include the following:*

7 (A) *The area included within the New Bedford*
8 *National Historic Landmark District, known as the*
9 *Bedford Landing Waterfront Historic District, as*
10 *listed within the National Register of Historic Places*
11 *and in the Massachusetts State Register of Historic*
12 *Places.*

13 (B) *The National Historic Landmark Schooner*
14 *Ernestina, with its home port in New Bedford.*

15 (C) *The land along the eastern boundary of the*
16 *New Bedford National Historic Landmark District*
17 *over to the east side of MacArthur Drive from the*
18 *Route 6 overpass on the north to an extension of*
19 *School Street on the south.*

20 (D) *The land north of Elm Street in New Bed-*
21 *ford, bounded by Acushnet Avenue on the west, Route*
22 *6 (ramps) on the north, MacArthur Drive on the east,*
23 *and Elm Street on the south.*

1 *In case of any conflict between the descriptions set forth*
2 *in subparagraphs (A) through (D) and the map referred*
3 *to in this subsection, the map shall govern.*

4 *(2) In addition to the sites, areas and relics referred*
5 *to in paragraph (1), the Secretary may assist in the inter-*
6 *pretation and preservation of each of the following:*

7 *(A) The southwest corner of the State Pier.*

8 *(B) Waterfront Park, immediately south of land*
9 *adjacent to the State Pier.*

10 *(C) The Rotch-Jones-Duff House and Garden*
11 *Museum, located at 396 County Street.*

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

14 *(E) The Bourne Counting House, located on*
15 *Merrill's Wharf.*

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

17 *(a) IN GENERAL.—The park shall be administered by*
18 *the Secretary in accordance with this Act and the provi-*
19 *sions of law generally applicable to units of the national*
20 *park system, including the Act entitled “An Act to establish*
21 *a National Park Service, and for other purposes”, approved*
22 *August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4)*
23 *and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C.*
24 *461–467).*

1 (b) *COOPERATIVE AGREEMENTS.*—(1) *The Secretary*
2 *may consult and enter into cooperative agreements with in-*
3 *terested entities and individuals to provide for the preserva-*
4 *tion, development, interpretation, and use of the park.*

5 (2) *Funds authorized to be appropriated to the Sec-*
6 *retary for the purposes of this subsection shall be expended*
7 *in the ratio of one dollar of Federal funds for each dollar*
8 *of funds contributed by non-Federal sources. For the pur-*
9 *poses of this subsection, the Secretary is authorized to accept*
10 *from non-Federal sources, and to utilize for purposes of this*
11 *Act, any money so contributed. With the approval of the*
12 *Secretary, any donation of land, services, or goods from a*
13 *non-Federal source may be considered as a contribution of*
14 *funds from a non-Federal source for the purposes of this*
15 *subsection.*

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

1 (c) *LIMITATION ON FUNDS.*—Funds authorized to be
2 appropriated to the Secretary for operation and mainte-
3 nance of the schooner Ernestina may not exceed 50 percent
4 of the total costs of such operation and maintenance and
5 may not exceed \$300,000 annually.

6 (d) *ACQUISITION OF REAL PROPERTY.*—The Secretary
7 may acquire, for the purposes of the park, by donation, ex-
8 change, lease or purchase with donated or appropriated
9 funds, lands, interests in lands, and improvements thereon
10 within the park except that (1) lands, and interests in
11 lands, within the boundaries of the park which are owned
12 by the State of Massachusetts or any political subdivision
13 thereof, may be acquired only by donation, and (2) lands,
14 and interests in lands, within the boundaries of the park
15 which are not owned by the State of Massachusetts or any
16 political subdivision thereof may be acquired only with the
17 consent of the owner thereof unless the Secretary determines,
18 after written notice to the owner and after opportunity for
19 comment, that the property is being developed, or proposed
20 to be developed, in a manner which is detrimental to the
21 integrity of the park or which is otherwise incompatible
22 with the purposes of this Act.

23 (e) *OTHER PROPERTY, FUNDS, AND SERVICES.*—The
24 Secretary may accept donated funds, property, and services
25 to carry out this Act.

1 **SEC. 5. GENERAL MANAGEMENT PLAN.**

2 *Not later than the end of the second fiscal year begin-*
3 *ning after the date of enactment of this Act, the Secretary*
4 *shall submit to the Committee on Natural Resources of the*
5 *House of Representatives and the Committee on Energy and*
6 *Natural Resources of the Senate a general management*
7 *plan for the park and shall implement such plan. The plan*
8 *shall be prepared in accordance with section 12(b) of the*
9 *Act of August 18, 1970 (16 U.S.C. 1a-7(b)) and other ap-*
10 *plicable law.*

11 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

12 *There are authorized to be appropriated such sums as*
13 *may be necessary to carry out this Act, but not more than*
14 *\$10,400,000 is authorized to be appropriated for construc-*
15 *tion, acquisition, restoration, and rehabilitation of visitor*
16 *and interpretative facilities.*