

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

# S. 1403

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IN THE HOUSE OF REPRESENTATIVES

JULY 20, 1998

Referred to the Committee on Resources

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## AN ACT

To amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

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. SHORT TITLE.**

4 This Act may be cited as the “National Historic  
5 Lighthouse Preservation Act of 1998”.

1 **SEC. 2. PRESERVATION OF HISTORIC LIGHT STATIONS.**

2 Title III of the National Historic Preservation Act  
3 (16 U.S.C. 470w–470w–6) is amended by adding at the  
4 end the following new section:

5 **“§ 308. Historic lighthouse preservation**

6 “(a) IN GENERAL.—In order to provide a national  
7 historic light station program, the Secretary shall—

8 “(1) collect and disseminate information con-  
9 cerning historic light stations, including historic  
10 lighthouses and associated structures;

11 “(2) foster educational programs relating to the  
12 history, practice, and contribution to society of his-  
13 toric light stations;

14 “(3) sponsor or conduct research and study into  
15 the history of light stations;

16 “(4) maintain a listing of historic light stations;  
17 and

18 “(5) assess the effectiveness of the program es-  
19 tablished by this section regarding the conveyance of  
20 historic light stations.

21 “(b) CONVEYANCE OF HISTORIC LIGHT STATIONS.—

22 “(1) Within one year of the date of enactment  
23 of this section, the Secretary and the Administrator  
24 of General Services (hereinafter Administrator) shall  
25 establish a process for identifying, and selecting, an  
26 eligible entity to which a historic light station could

1 be conveyed for education, park, recreation, cultural,  
2 or historic preservation purposes.

3 “(2) The Secretary shall review all applicants  
4 for the conveyance of a historic light station, when  
5 the historic light station has been identified as ex-  
6 cess to the needs of the agency with administrative  
7 jurisdiction over the historic light station, and for-  
8 ward to the Administrator a single approved applica-  
9 tion for the conveyance of the historic light station.  
10 When selecting an eligible entity, the Secretary may  
11 consult with the State Historic Preservation Officer  
12 of the state in which the historic light station is lo-  
13 cated. A priority of consideration shall be afforded  
14 public entities that submit applications in which the  
15 public entity enters into a partnership with a non-  
16 profit organization whose primary mission is historic  
17 light station preservation.

18 “(3)(A) Except as provided in paragraph (B),  
19 the Administrator shall convey, by quit claim deed,  
20 without consideration, all right, title, and interest of  
21 the United States in and to the historic light station,  
22 subject to the conditions set forth in subsection (c).  
23 The conveyance of a historic light station under this  
24 section shall not be subject to the provisions of 42  
25 U.S.C. 11301 et seq.

1           “(B)(i) Historic light stations located within the  
2 exterior boundaries of a unit of the National Park  
3 System or a refuge within the National Wildlife Ref-  
4 uge System shall be conveyed or sold only with the  
5 approval of the Secretary.

6           “(ii) If the Secretary approves the conveyance  
7 or sale of a historic light station referenced in this  
8 paragraph, such conveyance or sale shall be subject  
9 to the conditions set forth in subsection (c) and any  
10 other terms or conditions the Secretary considers  
11 necessary to protect the resources of the park unit  
12 or wildlife refuge.

13           “(iii) For those historic light stations ref-  
14 erenced in this paragraph, the Secretary is encour-  
15 aged to enter cooperative agreements with appro-  
16 priate eligible entities, as provided in this Act, to the  
17 extent such cooperative agreements are consistent  
18 with the Secretary’s responsibilities to manage and  
19 administer the park unit or wildlife refuge, as appro-  
20 priate.

21           “(c) TERMS OF CONVEYANCE.—

22           “(1) The conveyance of a historic light station  
23 shall be made subject to any conditions the Adminis-  
24 trator considers necessary to ensure that—

1           “(A) the lights, antennas, sound signal,  
2           electronic navigation equipment, and associated  
3           light station equipment located at the historic  
4           light station, which are active aids to naviga-  
5           tion, shall continue to be operated and main-  
6           tained by the United States for as long as need-  
7           ed for this purpose;

8           “(B) the eligible entity to which the his-  
9           toric light station is conveyed under this section  
10          shall not interfere or allow interference in any  
11          manner with aids to navigation without the ex-  
12          press written permission of the head of the  
13          agency responsible for maintaining the aids to  
14          navigation;

15          “(C) there is reserved to the United States  
16          the right to relocate, replace, or add any aid to  
17          navigation located at the historic light station  
18          as may be necessary for navigation purposes;

19          “(D) the eligible entity to which the his-  
20          toric light station is conveyed under this section  
21          shall maintain the historic light station in ac-  
22          cordance with the National Historic Preserva-  
23          tion Act of 1966, 16 U.S.C. 470–470x, the Sec-  
24          retary of the Interior’s Standards for the Treat-

1           ment of Historic Properties, and other applica-  
2           ble laws;

3           “(E) the eligible entity to which the his-  
4           toric light station is conveyed under this section  
5           shall make the historic light station available  
6           for education, park, recreation, cultural or his-  
7           toric preservation purposes for the general pub-  
8           lic at reasonable times and under reasonable  
9           conditions; and

10           “(F) the United States shall have the  
11           right, at any time, to enter the historic light  
12           station without notice for purposes of maintain-  
13           ing and inspecting aids to navigation and en-  
14           suring compliance with paragraph (C), to the  
15           extent that it is not possible to provide advance  
16           notice.

17           “(2) The Secretary, the Administrator, and any  
18           eligible entity to which a historic light station is con-  
19           veyed under this section, shall not be required to  
20           maintain any active aids to navigation associated  
21           with a historic light station.

22           “(3) In addition to any term or condition estab-  
23           lished pursuant to this subsection, the conveyance of  
24           a historic light station shall include a condition that  
25           the historic light station in its existing condition, at

1 the option of the Administrator, revert to the United  
2 States if—

3 “(A) the historic light station or any part  
4 of the historic light station ceases to be avail-  
5 able for education, park, recreation, cultural, or  
6 historic preservation purposes for the general  
7 public at reasonable times and under reasonable  
8 conditions which shall be set forth in the eligi-  
9 ble entity’s application;

10 “(B) the historic light station or any part  
11 of the historic light station ceases to be main-  
12 tained in a manner that ensures its present or  
13 future use as an aid to navigation or compli-  
14 ance with the National Historic Preservation  
15 Act, 16 U.S.C. 470–470x, the Secretary of the  
16 Interior’s Standards for the Treatment of His-  
17 toric Properties, and other applicable laws; or

18 “(C) at least 30 days before the reversion,  
19 the Administrator provides written notice to the  
20 owner that the historic light station is needed  
21 for national security purposes.

22 “(d) DESCRIPTION OF PROPERTY.—The Adminis-  
23 trator shall prepare the legal description of any historic  
24 light station conveyed under this section. The Adminis-  
25 trator may retain all right, title, and interest of the United

1 States in and to any historical artifact, including any lens  
2 or lantern, that is associated with the historic light station  
3 and located at the light station at the time of conveyance.  
4 All conditions placed with the deed of title to the historic  
5 light station shall be construed as covenants running with  
6 the land. No submerged lands shall be conveyed to non-  
7 federal entities.

8 “(e) RESPONSIBILITIES OF CONVEYEEES.—Each eligi-  
9 ble entity to which a historic light station is conveyed  
10 under this section shall use and maintain the historic light  
11 station in accordance with this section, and have such con-  
12 ditions recorded with the deed of title to the historic light  
13 station.

14 “(f) DEFINITIONS.—For purposes of this section:

15 “(1) HISTORIC LIGHT STATION.—The term  
16 ‘historic light station’ includes the light tower, light-  
17 house, keepers dwelling, garages, storage sheds, oil  
18 house, fog signal building, boat house, barn, pump-  
19 house, tramhouse support structures, piers, walk-  
20 ways, and related real property and improvements  
21 associated therewith; provided that the light tower or  
22 lighthouse shall be included in or eligible for inclu-  
23 sion in the National Register of Historic Places.

24 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
25 tity’ shall mean—

1           “(A) any department or agency of the Fed-  
2           eral government; or

3           “(B) any department or agency of the  
4           state in which the historic light station is lo-  
5           cated, the local government of the community  
6           in which the historic light station is located,  
7           nonprofit corporation, educational agency, or  
8           community development organization that—

9                   “(i) has agreed to comply with the  
10                  conditions set forth in subsection (c) and  
11                  to have such conditions recorded with the  
12                  deed of title to the historic light station;

13                   “(ii) is financially able to maintain the  
14                  historic light station in accordance with  
15                  the conditions set forth in subsection (c);  
16                  and

17                   “(iii) can indemnify the Federal gov-  
18                  ernment to cover any loss in connection  
19                  with the historic light station, or any ex-  
20                  penses incurred due to reversion.”.

21 **SEC. 3. SALE OF SURPLUS LIGHT STATIONS.**

22           Title III of the National Historic Preservation Act  
23 (16 U.S.C. 470w–470w–6) is amended by adding at the  
24 end the following new section:

1 **“§ 309. Historic light station sales**

2       “In the event no applicants are approved for the con-  
 3 veyance of a historic light station pursuant to section 308,  
 4 the historic light station shall be offered for sale. Terms  
 5 of such sales shall be developed by the Administrator of  
 6 General Services. Conveyance documents shall include all  
 7 necessary covenants to protect the historical integrity of  
 8 the historic light station and ensure that any active aids  
 9 to navigation located at the historic light station are oper-  
 10 ated and maintained by the United States for as long as  
 11 needed for that purpose. Net sale proceeds shall be trans-  
 12 ferred to the National Maritime Heritage Grant Program,  
 13 established by the National Maritime Heritage Act of  
 14 1994, Pub. L. 103–451, within the Department of the In-  
 15 terior.”.

16 **SEC. 4. TRANSFER OF HISTORIC LIGHT STATIONS TO FED-**  
 17 **ERAL AGENCIES.**

18       Title III of the National Historic Preservation Act  
 19 of 1966, 16 U.S.C. 470–470x, is amended by adding at  
 20 the end the following new section:

21 **“§ 310. Transfer of historic light stations to Federal**  
 22 **agencies**

23       “After the date of enactment of this section, any de-  
 24 partment or agency of the Federal government, to which  
 25 a historic light station is conveyed, shall maintain the his-  
 26 toric light station in accordance with the National Historic

1 Preservation Act of 1966, 16 U.S.C. 470–470x, the Sec-  
2 retary of the Interior’s Standards for the Treatment of  
3 Historic Properties, and other applicable laws.”.

4 **SEC. 5. FUNDING.**

5       There are hereby authorized to be appropriated to the  
6 Secretary of the Interior such sums as may be necessary  
7 to carry out this Act.

Passed the Senate July 17, 1998.

Attest:

GARY SISCO,  
*Secretary.*