

Calendar No. 444

105TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 105-230

NATIONAL HISTORIC LIGHTHOUSE PRESERVATION ACT OF 1997

JUNE 26, 1998.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

REPORT

[To accompany S. 1403]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1403) to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. PRESERVATION OF HISTORIC LIGHT STATIONS.

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

“SEC. 308. HISTORIC LIGHTHOUSE PRESERVATION.

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

“(1) collect and disseminate information concerning historic light stations, including historic lighthouses and associated structures;

“(2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;

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

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

“(5) assess the effectiveness of the program established by this section regarding the conveyance of historic light stations.

“(b) CONVEYANCE OF HISTORIC LIGHT STATIONS.—

“(1) Within one year of the date of enactment of this section, the Secretary and the Administrator of General Services (hereinafter Administrator) shall es-

establish a process for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, or historic preservation purposes.

“(2) The Secretary shall review all applicants for the conveyance of a historic light station, when the historic light station has been identified as excess to the needs of the agency with administrative jurisdiction over the historic light station, and forward to the Administrator a single approved application for the conveyance of the historic light station. When selecting an eligible entity, the Secretary may consult with the State Historic Preservation Officer of the state in which the historic light station is located. A priority of consideration shall be afforded public entities that submit applications in which the public entity enters into a partnership with a nonprofit organization whose primary mission is historic light station preservation.

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

“(B)(i) Historic light stations located within the exterior boundaries of a unit of the National Park System or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.

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

“(iii) For those historic light stations referenced in this paragraph, the Secretary is encouraged to enter cooperative agreements with appropriate eligible entities, as provided in this Act, to the extent such cooperative agreements are consistent with the Secretary’s responsibilities to manage and administer the park unit or wildlife refuge, as appropriate.

“(c) TERMS OF CONVEYANCE.—

“(1) The Conveyance of a historic light station shall be made subject to any conditions the Administrator considers necessary to ensure that—

“(A) the lights, antennas, sound signal, electronic navigation equipment, and associated light station equipment located at the historic light station, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as needed for this purpose;

“(B) the eligible entity to which the historic light station is conveyed under this section shall not interfere or allow interference in any manner with aids to navigation without the express written permission of the head of the agency responsible for maintaining the aids to navigation;

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

“(D) the eligible entity to which the historic light station is conveyed under this section shall maintain the historic light station in accordance with the National Historic Preservation Act of 1966, 16 U.S.C. 470–470x, the Secretary of the Interior’s Standards for the Treatment of Historic Properties, and other applicable laws;

“(E) the eligible entity to which the historic light station is conveyed under this section shall make the historic light station available for education, park, recreation, cultural or historic preservation purposes for the general public at reasonable times and under reasonable conditions; and

“(F) the United States shall have the right, at any time, to enter the historic light station without notice for purposes of maintaining and inspecting aids to navigation and ensuring compliance with paragraph (C), to the extent that it is not possible to provide advance notice.

“(2) The Secretary, the Administrator, and any eligible entity to which a historic light station is conveyed under this section, shall not be required to maintain any active aids to navigation associated with a historic light station.

“(3) In addition to any term or condition established pursuant to this subsection, the conveyance of a historic light station shall include a condition that the historic light station in its existing condition, at the option of the Administrator, revert to the United States if—

“(A) the historic light station or any part of the historic light station ceases to be available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under

reasonable conditions which shall be set forth in the eligible entity's application;

"(B) the historic light station or any part of the historic light station ceases to be maintained in a manner that ensures its present or future use as an aid to navigation or compliance with the National Historic Preservation Act, 16 U.S.C. 470-470x, the Secretary of the Interior's Standards for the Treatment of Historic Properties, and other applicable laws; or

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

"(d) DESCRIPTION OF PROPERTY.—The Administrator shall prepare the legal description of any historic light station conveyed under this section. The Administrator may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the historic light station and located at the light at the time of conveyance. All conditions placed with the deed of title to the historic light station shall be construed as covenants running with the land. No submerged lands shall be conveyed to nonfederal entities.

"(e) RESPONSIBILITIES OF CONVEYEEES.—Each eligible entity to which a historic light station is conveyed under this section shall use and maintain the historic light station in accordance with this section, and have such conditions recorded with the deed of title to the historic light station.

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

"(1) Historic Light Station. The term 'historic light station' includes the light tower, lighthouse, keepers dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pumphouse, tramhouse support structures, piers, walkways, and related real property and improvements associated therewith; provided that the light tower or lighthouse shall be included in or eligible for inclusion in the National Register of Historic Places.

"(2) Eligible Entity. The term 'eligible entity' shall mean:

"(A) any department or agency of the Federal government; or

"(B) any department or agency of the state in which the historic light station is located, the local government of the community in which the historic light station is located, nonprofit corporation, educational agency, or community development organization that—

"(1) has agreed to comply with the conditions set forth in subsection (c) and to have such conditions recorded with the deed of title to the historic light station;

"(2) is financially able to maintain the historic light station in accordance with the conditions set forth in subsection (c); and

"(3) can indemnify the Federal government to cover any loss in connection with the historic light station, or any expenses incurred due to reversion."

SEC. 3. SALE OF SURPLUS LIGHT STATIONS.

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

"SEC. 309. HISTORIC LIGHT STATION SALES.

"In the event no applicants are approved for the conveyance of a historic light station pursuant to section 308, the historic light station shall be offered for sale. Terms of such sales shall be developed by the Administrator of General Services. Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any active aids to navigation located at the historic light station are operated and maintained by the United States for as long as needed for that purpose. Net sale proceeds shall be transferred to the National Maritime Heritage Grant Program, established by the National Maritime Heritage Act of 1994, Pub. L. 103-451, within the Department of the Interior."

SEC. 4. TRANSFER OF HISTORIC LIGHT STATIONS TO FEDERAL AGENCIES.

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

"SEC. 310. TRANSFER OF HISTORIC LIGHT STATIONS TO FEDERAL AGENCIES.

"After the date of enactment of this section, any department or agency of the Federal government, to which a historic light station is conveyed, shall maintain the historic light station in accordance with the National Historic Preservation Act of 1966, 16 U.S.C. 470-470x, the Secretary of the Interior's Standards for the Treatment of Historic Properties, and other applicable laws."

SEC. 5. FUNDING.

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

PURPOSE OF THE MEASURE

S. 1403 amends the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program within the National Park Service. S. 1403 establishes procedures for the conveyance of excess historic lighthouse from Federal ownership and gives priority consideration to nonprofit historic lighthouse friends groups which partner with local communities.

BACKGROUND AND NEED

In the United States, there are 633 lighthouses built before 1939 and classified as "historic". The majority of these historic lighthouses are owned by the Federal Government with the U.S. Coast Guard having responsibility for approximately 400. A number of U.S. Coast Guard historic lighthouses have been leased to local communities and nonprofit lighthouse friends groups for park, recreation, and educational purposes. Other Federal agencies with jurisdiction over historic lighthouses include all four of the Federal land management agencies, the Army and the Navy. Over 200 historic lighthouses have been transferred from Federal ownership to private owners, nonprofit entities, and municipal and State governments.

Approximately two-thirds of the historic lighthouses still support an active aid to navigation. However, most historic lighthouses have an active aid to navigation on a modern steel pole or nearby buoy. All but one Boston Harbor Light, is automated and does not require a keeper.

The costs of maintaining a historic lighthouse in compliance with national historic preservation standards can be significant. In light of budget reductions and downsizing, a 1992 lighthouse policy review recommended the U.S. Coast Guard evaluate lighthouse properties on the basis of its minimum operational needs. Lighthouse properties that are no longer needed as aids to navigation are identified as possible excess property. Over the last few years, the U.S. Coast Guard has been aggressively excessing Coast Guard properties, including historic lighthouses. In 1997, over 40 Great Lakes lighthouses were identified as excess.

Generally, the U.S. Coast Guard reports historic lighthouses to the Administrator of General Service (Administrator) as "excess" property under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.). Once a historic lighthouse is deemed excess by the U.S. Coast Guard, the Administrator is required to "screen" it for a variety of uses, including uses by other Federal agencies. Under current law, the Administrator must "screen" each property before it can be determined to be surplus property. If determined to be surplus property, the Administrator then offers the lighthouses to state and local agencies. If there are not government takers, the property is sold to the highest bidder.

Nonprofit historic lighthouse friends groups are given no consideration in the disposal process, even if a friends group has spent

significant amounts of time and money to rehabilitate and maintain a historic lighthouse or has leased it from the U.S. Coast Guard. If the lighthouse is not “taken” by a Federal agency, the friends group must compete against other entities and individuals and bid on the lighthouse which often is located on valuable waterfront property.

The only option for a historic lighthouse friends group, under this disposal regime, is to seek a legislative transfer with Congress dictating to whom an excess historic lighthouse is to be conveyed. Relying on legislative transfers is a risky endeavor for many friends groups who have little experience with lobbying Congress. Legislative transfers also impose additional burdens on the U.S. Coast Guard which must prepare all conveyance documents (as opposed to the General Services Administration which prepares the required paperwork for transfers pursuant to the authority of the Federal Property and Administrative Services Act of 1949).

LEGISLATIVE HISTORY

S. 1403 was introduced by Senator Murkowski on November 7, 1997. The Committee on Energy and Natural Resources held a hearing on S. 1403 on February 11, 1998.

At its business meeting on May 13, 1998, the Committee on Energy and Natural Resources ordered S. 1403, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on May 13, 1998, by a unanimous vote of a quorum present, recommends that the Senate pass S. 1403, if amended as described herein. The rollcall vote on reporting the measure was 20 yeas, 0 nays, as follows:

Yeas: Mr. Murkowski, Mr. Domenici, Mr. Nickles,¹ Mr. Craig, Mr. Campbell, Mr. Thomas, Mr. Kyl, Mr. Grams,¹ Mr. Smith, Mr. Gorton, Mr. Burns,¹ Mr. Bumpers, Mr. Ford, Mr. Bingaman, Mr. Akaka, Mr. Dorgan,¹ Mr. Graham,¹ Mr. Wyden, Mr. Johnson, and Ms. Landrieu.

COMMITTEE AMENDMENT

During the consideration of S. 1403, the Committee adopted an amendment in the nature of a substitute which made a number of clarifying and technical changes to the bill as introduced. The amendment reflects the recommendations of the National Park Service, General Services Administration, Coast Guard, and lighthouse friends group.

The amendment clarifies the definition of a historic light station to include related real property and improvements and that Federal agencies do not have to prove financial capability or ability to indemnify in order to qualify as an “eligible entity.” The amendment also clarifies, as a condition of transfer, that an eligible entity maintain the light station for education, park recreation, cultural or historic preservation purposes for the general public at reason-

¹ Indicates voted by proxy.

able times and under reasonable conditions. The Secretary of the Interior must approve any conveyance or sale of a historic light station located within the exterior boundaries of a unit of the National Park System or a refuge within the National Wildlife Refuge System. The United States shall have access to aids to navigation at any historic light station transferred out of Federal ownership.

SECTION-BY-SECTION ANALYSIS

Section 1 declares the short title of the bill to be the “National Historic Lighthouse Preservation Act of 1998”.

Section 2 amends Title III of the National Historic Preservation Act, 16 U.S.C. 470w–470w–6, by adding a new section 308 to the Act addressing historic lighthouse preservation. New subsection 308(a) charges the Secretary of the Interior (Secretary) with administering a national historic light station program consisting of five listed elements. The Secretary already performs many of these tasks under the authority of the National Maritime Heritage Act, Pub. Law 103–451.

New subsection 308(b) establishes a procedure for the conveyance of historic light stations out of Federal ownership. The Secretary and the Administrator of General Services (Administrator) are charged with establishing a process for the identification and selection of entities eligible for the conveyance of a historic light station for education, park, recreation, cultural or historic preservation purposes. Once a historic light station has been identified as excess to the needs of the Federal agency with jurisdiction over it, the Secretary is directed to review all applicants for the light station giving priority consideration to a public entity which partners with a nonprofit historic lighthouse friends group. The Secretary may consult with the appropriate State Historic Preservation Officer during the review process.

The Secretary is to forward an approved application to the Administrator who is to convey, by quit claim deed, without consideration, all right, title and interest of the United States in the historic light station, subject to the conditions set forth in new subsection 308(c). However, no historic light station located within the exterior boundaries of a unit of the National Park Service or a refuge within the National Wildlife Refuge System, is to be conveyed or sold without the approval of the Secretary. If the Secretary approves such conveyance or sale, it will be subject to any additional conditions the Secretary determines are necessary to protect the resources of the park unit or wildlife refuge. For those historic light stations located within the exterior boundaries of a park unit or wildlife refuge which are not transferred out of Federal ownership, the Secretary is encouraged to enter into agreements with nonprofit historic lighthouse friends groups to maintain the historic light station.

New subsection 308(c) lists six self-explanatory conditions imposed on any historic light station conveyed out of Federal ownership. It also clarifies that the Secretary, the Administrator, and any eligible entity to which a historic light station is conveyed are not responsible for maintaining any active aid to navigation associated with a historic light station. A historic light station conveyance also must contain a condition that a historic light station, at

the option of the Administrator, would revert to the United States under three circumstances: (1) if the property is not available for education, park, recreation, cultural, and historic preservation purposes; (2) if there is interference with an aid to navigation or a failure to comply with historic preservation standards; or (3) the historic light station, after a 30 day notification period, is needed for national security purposes.

New subsection 308(d) charges the Administrator with preparing the legal description of the historic light station. The Administrator retains all right, title and interest of the United States in any historical artifact associated with the historic light station whether located at the light station or elsewhere. Historical artifacts not located at the historic light station at the time of conveyance are not required to be returned to the historic light station. All conditions placed with the deed of title are construed as covenants running with the land. Conveyance of submerged lands to nonfederal entities is prohibited.

New subsection 308(e) requires any eligible entity to whom a historic light station is conveyed to maintain the historic light station in a manner consistent with the conditions imposed by section 308 and have such conditions recorded with the deed of title to the historic light station.

New subsection 308(f) defines the terms "historic light station" and "eligible entity".

Section 3 amends Title III of the National Historic Preservation Act, 16 U.S.C. 470w-470w-6, by adding a new section 309 to the Act addressing historic light station sales. Section 309 provides that the historic light station will be offered for sale, pursuant to terms developed by the Administrator, if no applicants are approved for the conveyance of the historic light station pursuant to section 308. Any such sale must include all the necessary covenants to protect the historical integrity of the historic light station, as well as to ensure that any active aids to navigation are operated and maintained by the United States for as long as needed. The National Maritime Heritage Grand Program, established under the National Maritime Heritage Act of 1994, Pub. L. 103-451, is to receive the net sale proceeds.

Section 4 amends Title III of the National Historic Preservation Act, 16 U.S.C. 470w-470w-6, by adding a new section 310 to address historic light stations transferred to Federal agencies. After the date of enactment, any conveyance of a historic light station to a Federal department or agency, must be maintained in accordance with the National Historic Preservation Act, the Secretary of the Interior's Standards for the Treatment of Historic Properties, and other applicable laws.

Section 5 authorizes funding necessary to carry out this Act to be appropriated to the Secretary of the Interior.

COST AND BUDGETARY CONSIDERATIONS

On May 14, 1998, the Committee on Energy and Natural Resources requested cost estimates to be prepared by the Congressional Budget Office for S. 1403. These reports had not been received at the time the report on S. 1403 was filed. When the re-

ports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1403. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1403, as ordered reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations relating to S. 1403 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, May 13, 1998.

Hon. FRANK H. MURKOWSKI,
*Chairman, Committee on Energy and Natural Resources,
Senate Dirksen Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: On Wednesday, May 13, the Committee is scheduled to mark up S. 1403, a bill to amend the National Historic Preservation Act to establish a national historic lighthouse preservation program. The Department supports S. 1403.

Lighthouses have long played an important role in our nation's history. Today the United States has the largest number of lighthouses as well as the most architecturally diverse collection, of any country in the world. Throughout the country there is great interest in the continued upkeep and use of historic light stations. Each lighthouse and light station is unique in the context of its geographic location, architectural style and history. Lighthouses are important features of communities across the nation.

As technology in the area of navigational aids has improved and advanced, the role of lighthouses as aids to navigation has changed. The Federal government has been turning over many lighthouses by lease, license or sale to Federally recognized non-profit organizations, whose missions are, at least in part, to preserve the lighthouse.

The National Park Service has been playing an active role in preserving lighthouses around the country. Through its Federal Lands to Parks Program and Historic Surplus Property Program, the NPS assists in the transfer of light stations to state and local governments for park and recreation purposes or for historic monuments. To date, the NPS has transferred 42 lighthouses for park and recreation uses and 15 for historic monuments. In the near future, the Federal government is expected to dispose of several hundred light stations. Current procedures for disposal of these sites do not

guarantee that all historic light stations will be protected. This bill provides a mechanism to ensure that light stations will be protected for their important historic values.

S. 1403 establishes a new program to be administered jointly by the Secretary and the Administrator of the General Services Administration. The program provides for the transfer of historic light stations to qualified entities for the purpose of preserving these historic resources for the benefit of present and future generations of Americans. The Secretary would review applications and recommend the agency to be the recipient of the transfer. The Administrator would provide for the conveyance of the property. If enacted, this bill will provide a vital mechanism to allow for the transfer of historic light stations to governments, agencies or organizations who will ensure the long-term protection and maintenance of these important national treasures.

The Department appreciates the flexible nature of the bill. It will allow the GSA and the Department to work in a cooperative manner to develop and carry out the program. The NPS currently has a good working relationship with regard to its Federal Lands to Parks Program and its Historic Surplus Property Program. The NPS will build on its knowledge from those programs in developing this new program. However, those two programs are not in a position to absorb the light house preservation program and the responsibilities that will be required in the new program. NPS current programs are stretched to the limit; new responsibilities will require additional resources. Without additional personnel and funds to support them, the NPS cannot take on the additional responsibilities that will be required in this program.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

NANCY K. HAYES,

Acting Assistant Secretary for Fish Wildlife and Parks.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1403, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

(Public Law 89-665, as amended—October 15, 1968)

* * * * *

SEC. 308. HISTORIC LIGHTHOUSE PRESERVATION.

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

(1) *collect and disseminate information concerning historic light stations, including historic lighthouses and associated structures;*

(2) *foster educational programs relating to the history, practice, and contribution to society of historic light stations;*

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

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

(5) assess the effectiveness of the program established by this section regarding the conveyance of historic light stations.

(b) *CONVEYANCE OF HISTORIC LIGHT STATIONS.*—

(1) *Within one year of the date of enactment of this section, the Secretary and the Administrator of General Services (hereinafter Administrator) shall establish a process for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, or historic preservation purposes.*

(2) *The Secretary shall review all applicants for the conveyance of a historic light station, when the historic light station has been identified as excess to the needs of the agency with administrative jurisdiction over the historic light station, and forward to the Administrator a single approved application for the conveyance of the historic light station. When selecting an eligible entity, the Secretary may consult with the State Historic Preservation Officer of the state in which the historic light station is located. A priority of consideration shall be afforded public entities that submit applications in which the public entity enters into a partnership with a nonprofit organization whose primary mission is historic light station preservation.*

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

(B)(i) *Historic light stations located within the exterior boundaries of a unit of the National Park System or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.*

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

(iii) *For those historic light stations referenced in this paragraph, the Secretary is encouraged to enter cooperative agreements with appropriate eligible entities, as provided in this Act, to the extent such cooperative agreements are consistent with the Secretary's responsibilities to manage and administer the park unit or wildlife refuge, as appropriate.*

(c) *TERMS OF CONVEYANCE.*—

(1) *The conveyance of a historic light station shall be made subject to any conditions the Administrator considers necessary to ensure that—*

(A) *the lights, antennas, sound signal, electronic navigation equipment, and associated light station equipment located at the historic light station, which are active aids to*

navigation, shall continue to be operated and maintained by the United States for as long as needed for this purpose;

(B) the eligible entity to which the historic light station is conveyed under this section shall not interfere or allow interference in any manner with aids to navigation without the express written permission of the head of the agency responsible for maintaining the aids to navigation;

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

(D) the eligible entity to which the historic light station is conveyed under this section shall maintain the historic light station in accordance with the National Historic Preservation Act of 1966, 16 U.S.C. 470–470x, the Secretary of the Interior’s Standards for the Treatment of Historic Properties, and other applicable laws;

(E) the eligible entity to which the historic light station is conveyed under this section shall make the historic light station available for education, park, recreation, cultural or historic preservation purposes for the general public at reasonable times and under reasonable conditions; and

(F) the United States shall have the right, at any time, to enter the historic light station without notice for purposes of maintaining and inspecting aids to navigation and ensuring compliance with paragraph (C), to the extent that it is not possible to provide advance notice.

(2) The Secretary, the Administrator, and any eligible entity to which a historic light station is conveyed under this section, shall not be required to maintain any active aids to navigation associated with a historic light station.

(3) In addition to any term or condition established pursuant to this subsection, the conveyance of a historic light station shall include a condition that the historic light station in its existing condition, at the option of the Administrator, revert to the United States if—

(A) the historic light station or any part of the historic light station ceases to be available for education, park recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions which shall be set forth in the eligible entity’s application;

(B) the historic light station or any part of the historic light station ceases to be maintained in a manner that ensures its present or future use as an aid to navigation or compliance with the National Historic Preservation Act, 16 U.S.C. 470–470x, the Secretary of the Interior’s Standards for the Treatment of Historic Properties, and other applicable laws; or

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

(d) *Description of Property.*—The Administrator shall prepare the legal description of any historic light station conveyed under this

section. The Administrator may retain all right, title, and interest of the United States in and to any historic artifact, including any lens or lantern, that is associated with the historic light station and located at the light station at the time of conveyance. All conditions placed with the deed of title to the historic light station shall be construed as covenants running with the land. No submerged lands shall be conveyed to nonfederal entities.

(e) *Responsibilities of Conveyees.*—Each eligible entity to which a historic light station is conveyed under this section shall use and maintain the historic light station in accordance with this section, and have such conditions recorded with the deed of title to the historic light station.

(f) *Definitions.* For purposes of this section:

(1) *Historic Light Station.* The term ‘historic light station’ includes the light tower, lighthouse, keepers dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pumphouse, tramhouse support structures, piers, walkways, and related real property and improvements associated therewith; provided that the light tower or lighthouse shall be included in or eligible for inclusion in the National Register of Historic Places.

(2) *Eligible Entity.* The term ‘eligible entity’ shall mean:

(A) any department or agency of the Federal government;

or

(B) any department or agency of the state in which the historic light station is located, the local government of the community in which the historic light station is located, nonprofit corporation, educational agency, or community development organization that—

(1) has agreed to comply with the conditions set forth in subsection (c) and to have such conditions recorded with the deed of title to the historic light station;

(2) is financially able to maintain the historic light station in accordance with the conditions set forth in subsection (c); and

(3) can indemnify the Federal government to cover any loss in connection with the historic light station, or any expenses incurred due to reversion.

SEC. 309. HISTORIC LIGHT STATION SALES.

In the event no applicants are approved for the conveyance of a historic light station pursuant to section 308, the historic light station shall be offered for sale. Terms of such sales shall be developed by the Administrator of General Services. Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any active aids to navigation located at the historic light station are operated and maintained by the United States for as long as needed for that purpose. Net sale proceeds shall be transferred to the National Maritime Heritage Grant Program, established by the National Maritime Heritage Act of 1994, Pub. L. 103-451, within the Department of the Interior.

SEC. 310. TRANSFER OF HISTORIC LIGHT STATIONS TO FEDERAL AGENCIES.

After the date of enactment of this section, any department or agency of the Federal government, to which a historic light station is conveyed, shall maintain the historic light station in accordance with the National Historic Preservation Act of 1966, 16 U.S.C. 470-470x, the Secretary of the Interior's Standards for the Treatment of Historic Properties, and other applicable laws.

