

106TH CONGRESS  
2D SESSION

# S. 2343

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

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## IN THE SENATE OF THE UNITED STATES

APRIL 4, 2000

Mr. MURKOWSKI (for himself and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

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 2000”.

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

7 Title III of the National Historic Preservation Act,  
8 16 U.S.C. 470w—470w–6, is amended by adding at the  
9 end the following new section:

★(Star Print)

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

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

4 “(1) collect and disseminate information con-  
5 cerning historic light stations, including historic  
6 lighthouses and associated structures;

7 “(2) foster educational programs relating to the  
8 history, practice, and contribution to society of his-  
9 toric light stations;

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

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

14 “(5) assess the effectiveness of the program es-  
15 tablished by this section regarding the conveyance of  
16 historic light stations.

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

18 “(1) Within one year of the date of enactment  
19 of this section, the Secretary and the Administrator  
20 of General Services (hereinafter Administrator) shall  
21 establish a process and policies for identifying, and  
22 selecting, an eligible entity to which a historic light  
23 station could be conveyed for education, park, recre-  
24 ation, cultural, or historic preservation purposes,  
25 and to monitor the use of such light station by the  
26 eligible entity.

1           “(2) The Secretary shall review all applicants  
2           for the conveyance of a historic light station, when  
3           the agency with administrative jurisdiction over the  
4           historic light station has determined the property to  
5           be ‘excess property’ as that term is defined in the  
6           Federal Property Administrative Services Act of  
7           1949, as amended, 40 U.S.C. 472(e), and forward to  
8           the Administrator a single approved application for  
9           the conveyance of the historic light station. When se-  
10          lecting an eligible entity, the Secretary shall consult  
11          with the State Historic Preservation Officer of the  
12          state in which the historic light station is located.

13           “(3)(A) Except as provided in paragraph (B),  
14          the Administrator shall convey, by quitclaim deed,  
15          without consideration, all right, title, and interest of  
16          the United States in and to the historic light station,  
17          subject to the conditions set forth in subsection (c)  
18          after the Secretary’s selection of an eligible entity.  
19          The conveyance of a historic light station under this  
20          section shall not be subject to the provisions of 42  
21          U.S.C. 11301 et seq. or Section 416(d) of Public  
22          Law 105–383.

23           “(B)(i) Historic light stations located within the  
24          exterior boundaries of a unit of the National Park  
25          System or a refuge within the National Wildlife Ref-

1       uge System shall be conveyed or sold only with the  
2       approval of the Secretary.

3               “(ii) If the Secretary approves the conveyance  
4       of a historic light station referenced in this para-  
5       graph, such conveyance shall be subject to the condi-  
6       tions set forth in subsection (c) and any other terms  
7       or conditions the Secretary considers necessary to  
8       protect the resources of the park unit or wildlife ref-  
9       uge.

10              “(iii) If the Secretary approves the sale of a  
11       historic light station referenced in this paragraph,  
12       such sale shall be subject to the conditions set forth  
13       in subparagraph (c)(1)(A)–(D), (c)(1)(H), and sub-  
14       section (c)(2) and any other terms or conditions the  
15       Secretary considers necessary to protect the re-  
16       sources of the park unit or wildlife refuge.

17              “(iv) For those historic light stations referenced  
18       in this paragraph, the Secretary is encouraged to  
19       enter cooperative agreements with appropriate eligi-  
20       ble entities, as provided in this Act, to the extent  
21       such cooperative agreements are consistent with the  
22       Secretary’s responsibilities to manage and admin-  
23       ister the park unit or wildlife refuge, as appropriate.

24       “(c) TERMS OF CONVEYANCE.—

1           “(1) The conveyance of a historic light station  
2 shall be made subject to any conditions, including  
3 the reservation of easements and other rights on be-  
4 half of the United States, the Administrator con-  
5 siders necessary to ensure that—

6           “(A) the Federal aids to navigation located  
7 at the historic light station remain the personal  
8 property of the United States and continue to  
9 be operated and maintained by the United  
10 States for as long as needed for navigational  
11 purposes;

12           “(B) there is reserved to the United States  
13 the right to remove, replace, or install any Fed-  
14 eral aid to navigation located at the historic  
15 light station as may be necessary for naviga-  
16 tional purposes;

17           “(C) the eligible entity to which the his-  
18 toric light station is conveyed under this section  
19 shall not interfere or allow interference in any  
20 manner with any Federal aid to navigation, nor  
21 hinder activities required for the operation and  
22 maintenance of any Federal aid to navigation,  
23 without the express written permission of the  
24 head of the agency responsible for maintaining  
25 the Federal aid to navigation;

1           “(D) the eligible entity to which the his-  
2           toric light station is conveyed under this section  
3           shall, at its own cost and expense, use and  
4           maintain the historic light station in accordance  
5           with this Act, the National Historic Preserva-  
6           tion Act of 1966, 16 U.S.C. 470—470x-7, the  
7           Secretary of the Interior’s Standards for the  
8           Treatment of Historic Properties, 36 CFR part  
9           68, and other applicable laws, and any proposed  
10          changes to the historic light station shall be re-  
11          viewed and approved by the Secretary in con-  
12          sultation with the State Historic Preservation  
13          Officer of the state in which the historic light  
14          station is located, for consistency with 36 CFR  
15          part 800.5(a)(2)(vii), and the Secretary of the  
16          Interior’s Standards for Rehabilitation, 36 CFR  
17          part 67.7;

18          “(E) the eligible entity to which the his-  
19          toric light station is conveyed under this section  
20          shall make the historic light station available  
21          for education, park, recreation, cultural or his-  
22          toric preservation purposes for the general pub-  
23          lic at reasonable times and under reasonable  
24          conditions;

1           “(F) the eligible entity to which the his-  
2           toric light station is conveyed shall not sell, con-  
3           vey, assign, exchange, or encumber the historic  
4           light station, any part thereof, or any associ-  
5           ated historic artifact conveyed to the eligible en-  
6           tity in conjunction with the historic light station  
7           conveyance, including but not limited to any  
8           lens or lanterns, unless such sale, conveyance,  
9           assignment, exchange or encumbrance is ap-  
10          proved by the Secretary;

11          “(G) the eligible entity to which the his-  
12          toric light station is conveyed shall not conduct  
13          any commercial activities at the historic light  
14          station, any part thereof, or in connection with  
15          any associated historic artifact conveyed to the  
16          eligible entity in conjunction with the historic  
17          light station conveyance, in any manner, unless  
18          such commercial activities are approved by the  
19          Secretary; and

20          “(H) the United States shall have the  
21          right, at any time, to enter the historic light  
22          station conveyed under this section without no-  
23          tice, for purposes of operating, maintaining,  
24          and inspecting any aid to navigation and for  
25          the purpose of ensuring compliance with this

1 subsection, to the extent that it is not possible  
2 to provide advance notice.

3 “(2) Any eligible entity to which a historic light  
4 station is conveyed under this section shall not be  
5 required to maintain any Federal aid to navigation  
6 associated with a historic light station, except any  
7 private aids to navigation permitted under 14 U.S.C.  
8 83 to the eligible entity.

9 “(3) In addition to any term or condition estab-  
10 lished pursuant to this subsection, the conveyance of  
11 a historic light station shall include a condition that  
12 the historic light station, or any associated historic  
13 artifact conveyed to the eligible entity in conjunction  
14 with the historic light station conveyance, including  
15 but not limited to any lens or lanterns, at the option  
16 of the Administrator, shall revert to the United  
17 States and be placed under the administrative con-  
18 trol of the Administrator, if—

19 “(A) the historic light station, any part  
20 thereof, or any associated historic artifact  
21 ceases to be available for education, park, recre-  
22 ation, cultural, or historic preservation purposes  
23 for the general public at reasonable times and  
24 under reasonable conditions which shall be set  
25 forth in the eligible entity’s application;



1           “(B) the historic light station or any part  
2 thereof ceases to be maintained in a manner  
3 that ensures its present or future use as a site  
4 for a Federal aid to navigation;

5           “(C) the historic light station, any part  
6 thereof, or any associated historic artifact  
7 ceases to be maintained in compliance with the  
8 National Historic Preservation Act, 16 U.S.C.  
9 470—470x-7, the Secretary of the Interior’s  
10 Standards for the Treatment of Historic Prop-  
11 erties, 36 CFR part 68, and other applicable  
12 laws;

13           “(D) the eligible entity to which the his-  
14 toric light station is conveyed, sells, conveys, as-  
15 signs, exchanges, or encumbers the historic  
16 light station, any part thereof, or any associ-  
17 ated historic artifact, without approval of the  
18 Secretary;

19           “(E) the eligible entity to which the his-  
20 toric light station is conveyed, conducts any  
21 commercial activities at the historic light sta-  
22 tion, any part thereof, or in conjunction with  
23 any associated historic artifact, without ap-  
24 proval of the Secretary; or

1           “(F) at least 30 days before the reversion,  
2           the Administrator provides written notice to the  
3           owner that the historic light station or any part  
4           thereof is needed for national security purposes.

5           “(d) DESCRIPTION OF PROPERTY.—

6           “(1) The Administrator shall prepare the legal  
7           description of any historic light station conveyed  
8           under this section. The Administrator, in consulta-  
9           tion with the Commandant and the Secretary, may  
10          retain all right, title, and interest of the United  
11          States in and to any historical artifact, including  
12          any lens or lantern, that is associated with the his-  
13          toric light station and located at the light station at  
14          the time of conveyance. Wherever possible, such his-  
15          torical artifacts should be used in interpreting that  
16          station. In cases where there is no method for pre-  
17          serving lenses and other artifacts and equipment in  
18          situ, priority should be given to preservation or mu-  
19          seum entities most closely associated with the sta-  
20          tion, if they meet loan requirements.

21          “(2) Artifacts associated with, but not located  
22          at, the historic light station at the time of convey-  
23          ance shall remain the personal property of the  
24          United States under the administrative control of  
25          the Commandant, U.S. Coast Guard.

1           “(3) All conditions placed with the quitclaim  
2 deed of title to the historic light station shall be con-  
3 strued as covenants running with the land.

4           “(4) No submerged lands shall be conveyed  
5 under this section.

6           “(e) DEFINITIONS.—For purposes of this section:

7           “(1) HISTORIC LIGHT STATION.—The term  
8 ‘historic light station’ includes the light tower, light-  
9 house, keepers dwelling, garages, storage sheds, oil  
10 house, fog signal building, boat house, barn, pump-  
11 house, tramhouse support structures, piers, walk-  
12 ways, underlying and appurtenant land and related  
13 real property and improvements associated there-  
14 with; provided that the ‘historic light station’ shall  
15 be included in or eligible for inclusion in the Na-  
16 tional Register of Historic Places.

17           “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
18 tity’ shall mean:

19           “(A) any department or agency of the Fed-  
20 eral Government; or

21           “(B) any department or agency of the  
22 State in which the historic light station is lo-  
23 cated, the local government of the community  
24 in which the historic light station is located,

1 nonprofit corporation, educational agency, or  
2 community development organization that—

3 (i) has agreed to comply with the con-  
4 ditions set forth in subsection (c) and to  
5 have such conditions recorded with the  
6 deed of title to the historic light station;  
7 and

8 (ii) is financially able to maintain the  
9 historic light station in accordance with  
10 the conditions set forth in subsection (c).

11 “(3) FEDERAL AID TO NAVIGATION.—The term  
12 ‘Federal aid to navigation’ shall mean any device,  
13 operated and maintained by the United States, ex-  
14 ternal to a vessel or aircraft, intended to assist a  
15 navigator to determine position or safe course, or to  
16 warn of dangers or obstructions to navigation, and  
17 shall include, but not be limited to, a light, lens, lan-  
18 tern, antenna, sound signal, camera, sensor, elec-  
19 tronic navigation equipment, power source, or other  
20 associated equipment.

21 “(4) SECRETARY.—The term ‘Secretary’ means  
22 the Secretary of the Interior.”

1 **SEC. 3. SALE 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 **“§ 309. Historic light station sales**

6 “(a) In the event no applicants are approved for the  
7 conveyance of a historic light station pursuant to section  
8 308, the historic light station shall be offered for sale.  
9 Terms of such sales shall be developed by the Adminis-  
10 trator of General Services and consistent with the require-  
11 ments of section 308, subparagraphs (c)(1)(A)–(D),  
12 (c)(1)(H), and subsection (c)(2). Conveyance documents  
13 shall include all necessary covenants to protect the histor-  
14 ical integrity of the historic light station and ensure that  
15 any Federal aid to navigation located at the historic light  
16 station is operated and maintained by the United States  
17 for as long as needed for that purpose.

18 “(b) Net sale proceeds from the disposal of a historic  
19 light station:

20 “(1) located on public domain lands shall be  
21 transferred to the National Maritime Heritage Grant  
22 Program, established by the National Maritime Her-  
23 itage Act of 1994, Public Law 103–451, within the  
24 Department of the Interior; and

25 “(2) under the administrative control of the  
26 Coast Guard shall be credited to the Coast Guard’s

1       Operating Expenses appropriation account, and shall  
2       be available for obligation and expenditure for the  
3       maintenance of light stations remaining under the  
4       administrative control of the Coast Guard, such  
5       funds to remain available until expended; provided  
6       further, that such funds shall be available in addi-  
7       tion to funds available in the Operating Expense ap-  
8       propriation for this purpose.

9       **SEC. 4. FUNDING.**

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

○