

Calendar No. 756106TH CONGRESS
2^D SESSION**S. 2343****[Report No. 106-380]**

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

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

AUGUST 25, 2000

Reported under authority of the order of the Senate of July 26, 2000, by Mr. MURKOWSKI with amendments

[Omit the part struck through and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Historic
3 Lighthouse Preservation Act of 2000”.

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

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

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

9 **“SEC. 308. HISTORIC LIGHTHOUSE PRESERVATION.**

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

12 “(1) collect and disseminate information con-
13 cerning historic light stations, including historic
14 lighthouses and associated structures;

15 “(2) foster educational programs relating to the
16 history, practice, and contribution to society of his-
17 toric light stations;

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

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

22 “(5) assess the effectiveness of the program es-
23 tablished by this section regarding the conveyance of
24 historic light stations.

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

1 “(1) Within one year of the date of enactment
2 of this section, the Secretary and the Administrator
3 of General Services (hereinafter Administrator) shall
4 establish a process and policies for identifying, and
5 selecting, an eligible entity to which a historic light
6 station could be conveyed for education, park, recre-
7 ation, cultural, or historic preservation purposes,
8 and to monitor the use of such light station by the
9 eligible entity.

10 “(2) The Secretary shall review all ~~applicants~~
11 *applications* for the conveyance of a historic light
12 station, when the agency with administrative juris-
13 diction over the historic light station has determined
14 the property to be ‘excess property’ as that term is
15 defined in the Federal Property Administrative Serv-
16 ices Act of 1949, as amended, 40 U.S.C. 472(e), and
17 forward to the Administrator a single approved ap-
18 plication for the conveyance of the historic light sta-
19 tion. When selecting an eligible entity, the Secretary
20 shall consult with the State Historic Preservation
21 Officer of the state in which the historic light station
22 is located.

23 “(3)(A) Except as provided in paragraph (B),
24 the Administrator shall convey, by quitclaim deed,
25 without consideration, all right, title, and interest of

1 the United States in and to the historic light station,
2 subject to the conditions set forth in subsection (c)
3 after the Secretary's selection of an eligible entity.
4 The conveyance of a historic light station under this
5 section shall not be subject to the provisions of 42
6 U.S.C. 11301 et seq. or Section 416(d) of Public
7 Law 105–383.

8 “(B)(i) Historic light stations located within the
9 exterior boundaries of a unit of the National Park
10 System or a refuge within the National Wildlife Ref-
11 uge System shall be conveyed or sold only with the
12 approval of the Secretary.

13 “(ii) If the Secretary approves the conveyance
14 of a historic light station referenced in this para-
15 graph, such conveyance shall be subject to the condi-
16 tions set forth in subsection (c) and any other terms
17 or conditions the Secretary considers necessary to
18 protect the resources of the park unit or wildlife ref-
19 uge.

20 “(iii) If the Secretary approves the sale of a
21 historic light station referenced in this paragraph,
22 such sale shall be subject to the conditions set forth
23 in subparagraph (c)(1)(A)–(D), (c)(1)(H), and sub-
24 section (c)(2) and any other terms or conditions the

1 Secretary considers necessary to protect the re-
2 sources of the park unit or wildlife refuge.

3 “(iv) For those historic light stations referenced
4 in this paragraph, the Secretary is encouraged to
5 enter cooperative agreements with appropriate eligi-
6 ble entities, as provided in this Act, to the extent
7 such cooperative agreements are consistent with the
8 Secretary’s responsibilities to manage and admin-
9 ister the park unit or wildlife refuge, as appropriate.

10 “(c) TERMS OF CONVEYANCE.—

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

16 “(A) the Federal aids to navigation located
17 at the historic light station *in operation on the*
18 *date of conveyance* remain the personal property
19 of the United States and continue to be oper-
20 ated and maintained by the United States for
21 as long as needed for navigational purposes;

22 “(B) there is reserved to the United States
23 the right to remove, replace, or install any Fed-
24 eral aid to navigation located at the historic

1 light station as may be necessary for naviga-
2 tional purposes;

3 “(C) the eligible entity to which the his-
4 toric light station is conveyed under this section
5 shall not interfere or allow interference in any
6 manner with any Federal aid to navigation, nor
7 hinder activities required for the operation and
8 maintenance of any Federal aid to navigation,
9 without the express written permission of the
10 head of the agency responsible for maintaining
11 the Federal aid to navigation;

12 “(D) the eligible entity to which the his-
13 toric light station is conveyed under this section
14 shall, at its own cost and expense, use and
15 maintain the historic light station in accordance
16 with this Act, the National Historic Preserva-
17 tion Act of 1966, 16 U.S.C. 470—470x-7, the
18 Secretary of the Interior’s Standards for the
19 Treatment of Historic Properties, 36 CFR part
20 68, and other applicable laws, and any proposed
21 changes to the historic light station shall be re-
22 viewed and approved by the Secretary in con-
23 sultation with the State Historic Preservation
24 Officer of the state in which the historic light
25 station is located, for consistency with 36 CFR

1 part 800.5(a)(2)(vii), and the Secretary of the
2 Interior’s Standards for Rehabilitation, 36 CFR
3 part 67.7;

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

11 “(F) the eligible entity to which the his-
12 toric light station is conveyed shall not sell, con-
13 vey, assign, exchange, or encumber the historic
14 light station, any part thereof, or any associ-
15 ated historic artifact conveyed to the eligible en-
16 tity in conjunction with the historic light station
17 conveyance, including but not limited to any
18 lens or lanterns, unless such sale, conveyance,
19 assignment, exchange or encumbrance is ap-
20 proved by the Secretary;

21 “(G) the eligible entity to which the his-
22 toric light station is conveyed shall not conduct
23 any commercial activities at the historic light
24 station, any part thereof, or in connection with
25 any associated historic artifact conveyed to the

1 eligible entity in conjunction with the historic
2 light station conveyance, in any manner, unless
3 such commercial activities are approved by the
4 Secretary; and

5 “(H) the United States shall have the
6 right, at any time, to enter the historic light
7 station conveyed under this section without no-
8 tice, for purposes of operating, maintaining,
9 and inspecting any aid to navigation and for
10 the purpose of ensuring compliance with this
11 subsection, to the extent that it is not possible
12 to provide advance notice.

13 “(2) Any eligible entity to which a historic light
14 station is conveyed under this section shall not be
15 required to maintain any Federal aid to navigation
16 associated with a historic light station, except *for*
17 any private aids to navigation permitted under 14
18 U.S.C. 83 to the eligible entity.

19 “(3) In addition to any term or condition estab-
20 lished pursuant to this subsection, the conveyance of
21 a historic light station shall include a condition that
22 the historic light station, or any associated historic
23 artifact conveyed to the eligible entity in conjunction
24 with the historic light station conveyance, including
25 but not limited to any lens or lanterns, at the option

1 of the Administrator, shall revert to the United
2 States and be placed under the administrative con-
3 trol of the Administrator, if—

4 “(A) the historic light station, any part
5 thereof, or any associated historic artifact
6 ceases to be available for education, park, recre-
7 ation, cultural, or historic preservation purposes
8 for the general public at reasonable times and
9 under reasonable conditions which shall be set
10 forth in the eligible entity’s application;

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

15 “(C) the historic light station, any part
16 thereof, or any associated historic artifact
17 ceases to be maintained in compliance with the
18 National Historic Preservation Act, 16 U.S.C.
19 470—470x-7, the Secretary of the Interior’s
20 Standards for the Treatment of Historic Prop-
21 erties, 36 CFR part 68, and other applicable
22 laws;

23 “(D) the eligible entity to which the his-
24 toric light station is conveyed, sells, conveys, as-
25 signs, exchanges, or encumbers the historic

1 light station, any part thereof, or any associ-
2 ated historic artifact, without approval of the
3 Secretary;

4 “(E) the eligible entity to which the his-
5 toric light station is conveyed, conducts any
6 commercial activities at the historic light sta-
7 tion, any part thereof, or in conjunction with
8 any associated historic artifact, without ap-
9 proval of the Secretary; or

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

14 “(d) DESCRIPTION OF PROPERTY.—

15 “(1) The Administrator shall prepare the legal
16 description of any historic light station conveyed
17 under this section. The Administrator, in consulta-
18 tion with the Commandant, *U.S. Coast Guard*, and
19 the Secretary, may retain all right, title, and interest
20 of the United States in and to any historical arti-
21 fact, including any lens or lantern, that is associated
22 with the historic light station and located at the
23 light station at the time of conveyance. Wherever
24 possible, such historical artifacts should be used in
25 interpreting that station. In cases where there is no

1 method for preserving lenses and other artifacts and
2 equipment in situ, priority should be given to preser-
3 vation or museum entities most closely associated
4 with the station, if they meet loan requirements.

5 “(2) Artifacts associated with, but not located
6 at, the historic light station at the time of convey-
7 ance shall remain the personal property of the
8 United States under the administrative control of
9 the Commandant, U.S. Coast Guard.

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

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

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

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

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

3 “(A) any department or agency of the Fed-
4 eral Government; or

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

11 (i) has agreed to comply with the con-
12 ditions set forth in subsection (c) and to
13 have such conditions recorded with the
14 deed of title to the historic light station;
15 and

16 (ii) is financially able to maintain the
17 historic light station in accordance with
18 the conditions set forth in subsection (c).

19 “(3) FEDERAL AID TO NAVIGATION.—The term
20 ‘Federal aid to navigation’ shall mean any device,
21 operated and maintained by the United States, ex-
22 ternal to a vessel or aircraft, intended to assist a
23 navigator to determine position or safe course, or to
24 warn of dangers or obstructions to navigation, and
25 shall include, but not be limited to, a light, lens, lan-

1 tern, antenna, sound signal, camera, sensor, elec-
2 tronic navigation equipment, power source, or other
3 associated equipment.

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

6 **SEC. 3. SALE 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:

10 ~~“§ 309. Historic light station sales~~

11 ~~“SEC. 309. HISTORIC LIGHT STATION SALES.~~

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

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

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

6 “(2) under the administrative control of the
7 Coast Guard shall be credited to the Coast Guard’s
8 Operating Expenses appropriation account, and shall
9 be available for obligation and expenditure for the
10 maintenance of light stations remaining under the
11 administrative control of the Coast Guard, such
12 funds to remain available until expended; provided
13 further, that such funds shall be available in addi-
14 tion to funds available in the Operating Expense ap-
15 propriation for this purpose.

16 **SEC. 4. FUNDING.**

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

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