

Calendar No. 756

106TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 106-380

NATIONAL HISTORIC LIGHTHOUSE PRESERVATION ACT OF 2000

AUGUST 25, 2000.—Ordered to be printed

Filed under authority of the order of the Senate of July 26, 2000

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

REPORT

[To accompany S. 2343]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2343) 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 amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 2, line 1, strike “§ 308. Historic lighthouse preservation” and insert lieu thereof the following:

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

2. On page 3, line 1, strike “applicants” and insert in lieu thereof “applications”.

3. On page 5, line 7, after “station” add “in operation on the date of conveyance”.

4. On page 8, line 6, after “except” add “for”.

5. On page 10, line 9, after “Commandant” add “, U.S. Coast Guard,”.

6. On page 13, line 5, strike “§ 309. Historic light station sales” and insert in lieu thereof the following:

“**SEC 309. HISTORIC LIGHT STATION SALES.**”

PURPOSE OF THE MEASURE

The purpose of S. 2343 is to establish a national historic lighthouse preservation program.

BACKGROUND AND NEED

There are 633 light stations in the United States that were built before 1939 and are classified as "historic." The majority of these historic light stations are owned by the Federal Government, with the Coast Guard having responsibility for approximately 400. A number of Coast Guard historic light stations have been leased to local communities and nonprofit lighthouse preservation groups for park, recreation, and educational purposes. Other Federal agencies with jurisdiction over historic lightstations include all four of the Federal land management agencies, as well as the Army and Navy.

Over 200 historic light stations have already been transferred from Federal ownership to private owners, nonprofit entities, and municipal and State governments.

Approximately two-thirds of the historic light stations still support an active aid to navigation, the electronic device that may be a light, a horn, a radio signal or a combination of warning devices). However, most historic light stations have their active aid to navigation located away from the lighthouse on a 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 light station in compliance with national historic preservation standards can be significant. In light of budget reductions and downsizing, a 1992 lighthouse policy review recommended that the Coast Guard evaluate light station properties on the basis of its minimum operational needs. Light station properties that are no longer needed as aids to navigation are identified as possible excess property. Over the last few years, the Coast Guard has been aggressively closing properties, including historic light stations. In 1997, over 40 Great Lakes light stations were identified as excess properties.

Generally, the Coast Guard reports historic light stations which are not located on lands reserved or withdrawn from the public domain to the Administrator of General Services Administration (Administrator) as "excess" property under the Federal Property and Administrative Services Act of 1949 (Act), as amended (40 U.S.C. 471 et seq.). Lands reserved or withdrawn from the public domain are exempt from the Act and are administered under the general public land laws by the Secretary of the Interior. However, the Secretary of the Interior (Secretary), with the concurrence of the Administrator, may determine that the lands on which a light station is located are not suitable for return to the public domain for disposition under the general public land laws because the lands are substantially changed in character by improvements or otherwise (40 U.S.C. 472(d)). If the Secretary makes such a determination, the Secretary revokes the withdrawal or reservation on the lands and they are disposed of by the Administrator under the provisions of the Act.

Once a historic light station is deemed excess by the Coast Guard or the Secretary makes a suitability determination, 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 light stations to State and local agencies. If

there are no government agencies are interested, the property is sold to the highest bidder.

Under the current process nonprofit historic lighthouse friends groups are given no consideration in the disposal process, even if a group has spent significant time and money to rehabilitate and maintain a historic light station or has leased it from the Coast Guard. If the light station is not selected by a Federal agency, the friends group must compete against other entities and individuals and bid on the light station which often is located on valuable waterfront property.

The only option for a historic lighthouse friends group, under this disposal procedure, is to seek a legislative transfer with Congress dictating to whom an excess historic light station is to be conveyed. Legislative transfers also impose additional burdens on the 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). This bill would not impact, however, previously authorized legislative transfers.

S. 2343 ensures that the historic character of these light stations are maintained when the light stations are no longer needed by the Federal Government. The bill requires the Secretary of the Interior, in conjunction with the Administrator of the General Services Administration, to establish a process for identifying and selecting entities to which historic light stations could be conveyed. Eligible entities would include Federal and state agencies, local communities, nonprofit corporations, and educational and community development organizations financially able to maintain a historic light station. The measure would authorize the General Services Administration to convey any historic light station that has been deemed excess to the needs of the Federal agency that owns and manages the structure, to a selected entity for educational, park, recreation, cultural and historic preservation purposes.

LEGISLATIVE HISTORY

S. 2343 was introduced by Senators Murkowski and Levin on April 4, 2000. The Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on S. 2343 on April 27, 2000. At its business meeting on June 7, 2000, the Committee on Energy and Natural Resources ordered S. 2343 favorably reported, as amended.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on June 7, 2000, by a unanimous vote of a quorum present, recommends that the Senate pass S. 2343, if amended as described herein.

COMMITTEE AMENDMENTS

During the consideration of S. 2343, the Committee adopted an amendment to make technical and clarifying changes. The amendment is described in detail in the section-by-section analysis, below

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill's short title as the "National Historic Lighthouse Preservation Act of 2000".

Section 2 amends Title III of the National Historic Preservation Act (16 U.S.C. 470w through 4709w-6) by adding a new section 308 to the Act, addressing historic lighthouse preservation. 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).

Subsection 308(b) establishes a procedure for the conveyance of historic light stations out of Federal ownership. The Secretary and the Administrator of the General Services Administration (Administrator), within one year of enactment, are charged to establish a process and policies 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, and to monitor the use of such light station by the eligible entity. Once the Federal agency with jurisdiction over a historic light station has determined that it is "excess property" as that term is defined in the Federal Property Administrative Services Act of 1949, as amended (40 U.S.C. 472(e)), the Secretary is directed to review all applications for the light station. The Secretary must also consult with the appropriate State Historic Preservation Officer during the review process. In reviewing applications for the conveyance of a historic light station, the Secretary should consider whether or not the applicant has an existing lease to maintain and preserve the historic light station.

After the Secretary selects an eligible entity, the approved application is sent to the Administrator, who is to convey, by quitclaim deed, without consideration, all right, title and interest of the United States in the historic light station, subject to the conditions set forth in 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 cooperative agreements with appropriate eligible entities to maintain or preserve the historic light station.

Subsection 308(c) lists eight self explanatory conditions imposed on any historic light station conveyed out of Federal ownership, including a prohibition on commercial activities unless authorized by the Secretary. Many lighthouse friends groups with Federal leases have a gift shop or similar type of enterprise at a historic light station, the proceeds of which are used to defray preservation expenses. It is the Committee's expectation that the Secretary will authorize such activities in the conveyance document. It also clarifies that the eligible entity to which a historic light station is con-

veyed is not responsible for maintaining any Federal aids to navigation associated with the station. A historic light station conveyance must also contain a condition that the station or any associated historic artifacts, at the option of the Administrator, would revert to the United States under six circumstances: (1) If the property is not available for education, park, recreation, cultural, and historic preservation purposes; (2) if the property ceases to be maintained in a manner that ensures its continued use as a site for a Federal aid to navigation; (3) if the property ceases to be maintained in compliance with historic preservation standards; (4) if the eligible entity to which the property is conveyed sells, conveys, assigns, exchanges, or encumbers the property without approval of the Secretary; (5) if the eligible entity to which the property is conveyed uses the property or any part thereof for any commercial activities without the approval of the Secretary, or; (6) the historic light station, after a 30 day notification period, is needed for national security purposes.

Subsection 308(d) charges the Administrator with preparing the legal description of the historic light station. The Administrator, in consultation with the Secretary and the Commandant of the Coast Guard, may retain all right, title and interest of the United States in any historical artifact associated with the historic light station and located at the light station at the time of conveyance. Artifacts associated with, but not located at the light station at the time of conveyance, remain the personal property of the United States under the administrative control of the Commandant of the Coast Guard. All conditions placed with the quitclaim deed of title are construed as covenants running with the land. No submerged lands shall be conveyed under this section.

Subsection 308(e) defines the terms “historic light station”, “eligible entity”, “Federal aid to navigation”, and “Secretary”.

Section 3 amends title III of the National Historic Preservation Act (16 U.S.C. 470w through 470w-6), by adding a new section 309 to the Act addressing historic light station sales. Subsection 309(a) provides that if no applicants are approved for the conveyance of the historic light station pursuant to section 308, the historic light station will be offered for sale, pursuant to terms developed by the Administrator, including provisions regarding the treatment of Federal and private aids to navigation and consistency with the National Historic Preservation Act and related requirements. Any such sale must include all the necessary covenants to protect the historical integrity of the history light station, as well as to ensure that any Federal aids to navigation are operated and maintained by the United States for as long as needed.

Subsection 309(b) provides that the National Maritime Heritage Grant Program, established under the National Heritage Act of 1994 (Pub. Law 103-451) is to receive the net sale proceeds from the disposal of a historic light station located on public domain lands. The net sale proceeds from the disposal of an historic light station under the administrative control of the Coast Guard are to be credited to the Coast Guard’s Operating Expenses appropriation’s account.

Section 4 authorizes the appropriation of such sums as may be necessary to carry out the legislation.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 22, 2000.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2343, the National Historic Lighthouse Preservation Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are John R. Righter (for federal costs), Susan Van Deventer, and Marjorie Miller (for the state and local impact).

Sincerely,

STEVEN LIEBERMAN
(For Dan L. Crippen, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2343—National Historic Lighthouse Preservation Act of 2000; As Ordered Reported by the Senate Committee on Energy and Natural Resources on June 7, 2000

Subject to future appropriation actions, implementing S. 2343 could reduce the costs to the United States Coast Guard (USCG) of operating and maintaining historic lighthouses by a few million dollars annually. Because the bill could affect direct spending (including offsetting receipts), pay-as-you-go procedures would apply. CBO estimates that any such change in direct spending would not be significant. S. 2343 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. State and local governments might incur some costs as a result of the bill's enactment, but such costs would be voluntary.

S. 2343 would amend the National Historic Preservation Act to establish a preservation program for historic lighthouses. The General Services Administration (GSA) and the Department of the Interior would be responsible for administering the program, which would collect and disseminate information on historic lighthouses and convey, at no cost, historic lighthouses that are no longer needed. Federal, state, and local departments, as well as nonprofit organizations, would be eligible to receive the lighthouses reported as excess property, provided that they agree to operate and maintain them, as well as make them accessible to the public for educational, recreational, cultural, or historic preservation purposes, and to the federal government for use in aiding navigation.

Subject to certain conditions, the bill would direct GSA to sell any lighthouses for which a qualified applicant has not been found. Net proceeds from the sale would be made available either to the National Maritime Heritage Grant Program or to the USCG, and could be spent without further appropriation. Because we think it is unlikely the government would sell a lighthouse under S. 2343 (according to GSA and the USCG, the government has sold only

one in the last 10 years), as opposed to transferring it at no cost, CBO estimates that enacting the bill would not have an significant impact on direct spending.

According to the USCG, it control about 350 lighthouses. The cost of operating and maintaining these facilities varies widely, but totals less than \$10 million a year. Under S. 2343, the USCG could still use conveyed lighthouses to aid in the navigation of waters, but would no longer be responsible for maintaining and operating them. Thus, if the legislation increases the conveyance of lighthouses to nonfederal entities, the bill should yield savings to the USCG. Any potential savings, however, would depend on which lighthouses were conveyed and on future appropriation actions.

The CBO staff contacts are John R. Righter (for federal costs), Susan Van Deventer, and Marjorie Miller (for the state and local impact). This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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. 2343. 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. 2343, as ordered reported.

EXECUTIVE COMMUNICATIONS

On April 27, 2000, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 2343. These reports had not been received at the time the report on S. 2343 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JOHN PARSONS, ASSOCIATED REGIONAL DIRECTOR, LANDS, RESOURCES AND PLANNING, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the position of the Department of the Interior on S. 2343, a bill to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

The department supports the concepts of S. 2343, which provides a process to protect the historic lighthouses of this nation. The Department of the Interior has responsibility under the Historic Preservation Act to preserve the

historic resources of the United States. This bill is intended to provide the Secretary with additional tools to carry out those responsibilities.

The Administration recently submitted to Congress a proposal to amend the Federal Property Administrative Services Act of 1949. Since we have not had adequate opportunity to evaluate this bill in relation to the Administration's proposal, we are unable to take a definitive position on this bill. We are in the process of conducting that evaluation and will provide the Committee with a report as soon as possible.

Lighthouses have long played an important role in the history of our nation. In 1789, one of the earliest acts of the United States Congress was the creation of the Lighthouse Establishment. The Lighthouse Establishment took over operation of the 12 colonial lighthouses in existence as well as the construction and operation of new lighthouses. Early lighthouses were established for their humanitarian purposes and to build confidence in ship captains as well as foreign governments by symbolically implying that the United States was a responsible world power worthy of recognition. Today the United States has the largest number and the most architecturally diverse collection of lighthouses of any country in the world.

As technology in the arena 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 or license to 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 the National Park Service Maritime Heritage Program we engaged in a partnership with the U.S. Coast Guard and the Department of the Defense Legacy Program to inventory and assess historic lighthouses and to prepare a manual for the preservation of lighthouses, the Historic Lighthouse Preservation Handbook. The handbook is being distributed to the managers of every lighthouse in the United States. Through our Federal Lands to Parks Program and Historic Surplus Property Program we assist in the transfer of light stations to state and local governments for park and recreation purposes or for preservation as historic monuments, as currently authorized by the Federal Properties and Administrative Services Act of 1949. To date we have transferred 42 lighthouses for park and recreation uses with 5 additional lighthouses in the process of being transferred in 2000. Twenty-two other lighthouses have been transferred for preservation as historic monuments.

In the near future, the Federal government is expected to dispose of several hundred additional light stations. Current procedures for disposal of these sites do not allow for all potential stewards for historic light stations to be considered. This bill would provide a mechanism to allow

various non-profit entities a chance to become stewards of these light stations.

S. 2343 would establish a new program to be administered jointly by the Secretary of the Interior and the Administrator of the General Services Administration (GSA). The program would provide for the transfer of historic light stations, which have been determined by the agency with administrative jurisdiction to be excess property, 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 the applications, recommend the best steward, approve the sale of the light station, monitor the site use, and review and approve proposed changes to historic light stations after the transfer. The Administrator would provide for the legal description and conveyance of the property. The State Historic Preservation Officer and the Commandment, U.S. Coast Guard, will be consulted during the process.

Mr. Chairman, this concludes my remarks. I would be pleased to answer any questions you or other members of your committee may have.

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. 2343, 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, 1966

* * * * *

SEC. 301. * * *

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 program 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 and policies 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, and to monitor the use of such light station by the eligible entity.*

(2) *The Secretary shall review all applications for the conveyance of a historic light station, when the agency with administrative jurisdiction over the historic light station has determined the property to be 'excess property' as that term is defined in the Federal Property Administrative Services Act of 1949, as amended, 40 U.S.C. 472(e), and forward to the Administrator a single approved application for the conveyance of the historic light station. When selecting an eligible entity, the Secretary shall consult with the State Historic Preservation Officer of the state in which the historic light station is located.*

(3)(A) *Except as provided in paragraph (B), the Administrator shall convey, by quitclaim 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) after the Secretary's selection of an eligible entity. 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. or Section 416(d) of Public Law 105-383.*

(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 of a historic light station referenced in this paragraph, such conveyance 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) *If the Secretary approves the sale of a historic light station referenced in this paragraph, such sale shall be subject to the conditions set forth in subparagraph (c)(1)(A)-(D), (c)(1)(H), and subsection (c)(2) and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.*

(iv) *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, including the reservation of easements and other rights on behalf of the United States, the Administrator considers necessary to ensure that—*

(A) *the Federal aids to navigation located at the historic light station in operation on the date of conveyance remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;*

(B) *there is reserved to the United States the right to remove, replace, or install any Federal aid to navigation located at the historic light station as may be necessary for navigational purposes;*

(C) *the eligible entity to which the historic light station is conveyed under this section shall not interfere or allow*

interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without the express written permission of the head of the agency responsible for maintaining the Federal aid to navigation;

(D) the eligible entity to which the historic light station is conveyed under this section shall, at its own cost and expense, use and maintain the historic light station in accordance with this Act, the National Historic Preservation Act of 1966, 16 U.S.C. 470—470x-7, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws, and any proposed changes to the historic light station shall be reviewed and approved by the Secretary in consultation with the State Historic Preservation Officer of the state in which the historic light station is located, for consistency with 36 CFR part 800.5(a)(2)(vii), and the Secretary of the Interior's Standards for Rehabilitation, 36 CFR part 67.7;

(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;

(F) the eligible entity to which the historic light station is conveyed shall not sell, convey, assign, exchange, or encumber the historic light station, any part thereof, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, unless such sale, conveyance, assignment, exchange or encumbrance is approved by the Secretary;

(G) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activities at the historic light station, any part thereof, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, unless such commercial activities are approved by the Secretary; and

(H) the United States shall have the right, at any time, to enter the historic light station conveyed under this section without notice, for purposes of operating, maintaining and inspecting any aid to navigation and for the purpose of ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

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

(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, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, at the option of the Ad-

ministrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(A) the historic light station, any part thereof, or any associated historic artifact 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 thereof ceases to be maintained in a manner that ensures its present or future as a site for a Federal aid to navigation;

(C) the historic light station, any part thereof, or any associated historic artifact ceases to be maintained in compliance with the National Historic Preservation Act, 16 U.S.C. 470—470x-7, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws;

(D) the eligible entity to which the historic light station is conveyed, sells, conveys, assigns, exchanges, or encumbers the historic light station, any part thereof, or any associated historic artifact, without approval of the Secretary;

(E) the eligible entity to which the historic light station is conveyed, conducts any commercial activities at the historic light station, any part thereof, or in conjunction with any associated historic artifact, without approval of the Secretary; or

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

(d) *DESCRIPTION OF PROPERTY.*—

(1) The Administrator shall prepare the legal description of any historic light station conveyed under this section. The Administrator, in consultation with the Commandant, Coast Guard, and the Secretary, 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 station at the time of conveyance. Wherever possible, such historical artifacts should be used in interpreting that station. In cases where there is no method for preserving lenses and other artifacts and equipment in situ, priority should be given to preservation or museum entities most closely associated with the station, if they meet loan requirements.

(2) Artifacts associated with, but not located at, the historic light station at the time of conveyance shall remain the personal property of the United States under the administrative control of the Commandant, Coast Guard.

(3) All conditions placed with quitclaim deed of title to the historic light station shall be construed as covenants running with the land.

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

(e) *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, underlying and appurtenant land and related real property and improvements associated therewith; provided that the 'historic light station' 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—*

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

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

(3) *FEDERAL AID TO NAVIGATION.*—*The term 'Federal aid to navigation' shall mean any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation, and shall include, but not be limited to, light, lens, lantern, antenna, sound signal, camera, sensor, electronic navigation equipment, power source, or other associated equipment.*

(4) *SECRETARY.*—*The term 'Secretary' means the Secretary of the Interior.'*

SEC. 309. HISTORIC LIGHT STATION SALES

(a) *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 and consistent with the requirements of section 308, subparagraphs (c)(1)(A)–(D), (c)(1)(H), and subsection (c)(2). Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any Federal aid to navigation located at the historic light station is operated and maintained by the United States for as long as needed for that purpose.*

(b) *Net sale proceeds from the disposal of a historic light station:*

(1) *located on public domain lands shall be transferred to the National Maritime Heritage Grant Program, established by the National Maritime Heritage Act of 1994, Public Law 103–451, within the Department of the Interior; and*

(2) *under the administrative control of the Coast Guard shall be credited to the Coast Guard's Operating Expenses appropriation account, and shall be available for obligation and expenditure for the maintenance of light stations remaining under the administrative control of the Coast Guard, such funds to remain available until expended; provided further, that such*

*funds shall be available in addition to funds available in the
Operating Expense appropriation for this purpose.*

* * * * *



BACKGROUND AND NEED

There are 633 light stations in the United States that were built before 1939 and are classified as "historic." The majority of these historic light stations are owned by the Federal Government, with the Coast Guard having responsibility for approximately 400. A number of Coast Guard historic light stations have been leased to local communities and nonprofit lighthouse preservation groups for park, recreation, and educational purposes. Other Federal agencies with jurisdiction over historic lightstations include all four of the Federal land management agencies, as well as the Army and Navy.

Over 200 historic light stations have already been transferred from Federal ownership to private owners, nonprofit entities, and municipal and State governments.

Approximately two-thirds of the historic light stations still support an active aid to navigation, the electronic device that may be a light, a horn, a radio signal or a combination of warning devices). However, most historic light stations have their active aid to navigation located away from the lighthouse on a 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 light station in compliance with national historic preservation standards can be significant. In light of budget reductions and downsizing, a 1992 lighthouse policy review recommended that the Coast Guard evaluate light station properties on the basis of its minimum operational needs. Light station properties that are no longer needed as aids to navigation are identified as possible excess property. Over the last few years, the Coast Guard has been aggressively closing properties, including historic light stations. In 1997, over 40 Great Lakes light stations were identified as excess properties.

Generally, the Coast Guard reports historic light stations which are not located on lands reserved or withdrawn from the public domain to the Administrator of General Services Administration (Administrator) as "excess" property under the Federal Property and Administrative Services act of 1949 (Act), as amended (40 U.S.C. 471 et seq.). Lands reserved or withdrawn from the public domain are exempt from the Act and are administered under the general public land laws by the Secretary of the Interior. However, the Secretary of the Interior (Secretary), with the concurrence of the Administrator, may determine that the lands on which a light station is located are not suitable for return to the public domain for disposition under the general public land laws because the lands are substantially changed in character by improvements or otherwise (40 U.S.C. 472(d)). If the Secretary makes such a determination, the Secretary revokes the withdrawal or reservation on the lands and they are disposed of by the Administrator under the provisions of the Act.

Once a historic light station is deemed excess by the Coast Guard or the Secretary makes a suitability determination, 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 light stations to State and local agencies. If

there are no government agencies are interested, the property is sold to the highest bidder.

Under the current process nonprofit historic lighthouse friends groups are given no consideration in the disposal process, even if a group has spent significant time and money to rehabilitate and maintain a historic light station or has leased it from the Coast Guard. If the light station is not selected by a Federal agency, the friends group must compete against other entities and individuals and bid on the light station which often is located on valuable waterfront property.

The only option for a historic lighthouse friends group, under this disposal procedure, is to seek a legislative transfer with Congress dictating to whom an excess historic light station is to be conveyed. Legislative transfers also impose additional burdens on the 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). This bill would not impact, however, previously authorized legislative transfers.

S. 2343 ensures that the historic character of these light stations are maintained when the light stations are no longer needed by the Federal Government. The bill requires the Secretary of the Interior, in conjunction with the Administrator of the General Services Administration, to establish a process for identifying and selecting entities to which historic light stations could be conveyed. Eligible entities would include Federal and state agencies, local communities, nonprofit corporations, and educational and community development organizations financially able to maintain a historic light station. The measure would authorize the General Services Administration to convey any historic light station that has been deemed excess to the needs of the Federal agency that owns and manages the structure, to a selected entity for educational, park, recreation, cultural and historic preservation purposes.

LEGISLATIVE HISTORY

S. 2343 was introduced by Senators Murkowski and Levin on April 4, 2000. The Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on S. 2343 on April 27, 2000. At its business meeting on June 7, 2000, the Committee on Energy and Natural Resources ordered S. 2343 favorably reported, as amended.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on June 7, 2000, by a unanimous vote of a quorum present, recommends that the Senate pass S. 2343, if amended as described herein.

COMMITTEE AMENDMENTS

During the consideration of S. 2343, the Committee adopted an amendment to make technical and clarifying changes. The amendment is described in detail in the section-by-section analysis, below

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill's short title as the "National Historic Lighthouse Preservation Act of 2000".

Section 2 amends Title III of the National Historic Preservation Act (16 U.S.C. 470w through 4709w-6) by adding a new section 308 to the Act, addressing historic lighthouse preservation. 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).

Subsection 308(b) establishes a procedure for the conveyance of historic light stations out of Federal ownership. The Secretary and the Administrator of the General Services Administration (Administrator), within one year of enactment, are charged to establish a process and policies 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, and to monitor the use of such light station by the eligible entity. Once the Federal agency with jurisdiction over a historic light station has determined that it is "excess property" as that term is defined in the Federal Property Administrative Services Act of 1949, as amended (40 U.S.C. 472(e)), the Secretary is directed to review all applications for the light station. The Secretary must also consult with the appropriate State Historic Preservation Officer during the review process. In reviewing applications for the conveyance of a historic light station, the Secretary should consider whether or not the applicant has an existing lease to maintain and preserve the historic light station.

After the Secretary selects an eligible entity, the approved application is sent to the Administrator, who is to convey, by quitclaim deed, without consideration, all right, title and interest of the United States in the historic light station, subject to the conditions set forth in 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 cooperative agreements with appropriate eligible entities to maintain or preserve the historic light station.

Subsection 308(c) lists eight self explanatory conditions imposed on any historic light station conveyed out of Federal ownership, including a prohibition on commercial activities unless authorized by the Secretary. Many lighthouse friends groups with Federal leases have a gift shop or similar type of enterprise at a historic light station, the proceeds of which are used to defray preservation expenses. It is the Committee's expectation that the Secretary will authorize such activities in the conveyance document. It also clarifies that the eligible entity to which a historic light station is con-

veyed is not responsible for maintaining any Federal aids to navigation associated with the station. A historic light station conveyance must also contain a condition that the station or any associated historic artifacts, at the option of the Administrator, would revert to the United States under six circumstances: (1) If the property is not available for education, park, recreation, cultural, and historic preservation purposes; (2) if the property ceases to be maintained in a manner that ensures its continued use as a site for a Federal aid to navigation; (3) if the property ceases to be maintained in compliance with historic preservation standards; (4) if the eligible entity to which the property is conveyed sells, conveys, assigns, exchanges, or encumbers the property without approval of the Secretary; (5) if the eligible entity to which the property is conveyed uses the property or any part thereof for any commercial activities without the approval of the Secretary, or; (6) the historic light station, after a 30 day notification period, is needed for national security purposes.

Subsection 308(d) charges the Administrator with preparing the legal description of the historic light station. The Administrator, in consultation with the Secretary and the Commandant of the Coast Guard, may retain all right, title and interest of the United States in any historical artifact associated with the historic light station and located at the light station at the time of conveyance. Artifacts associated with, but not located at the light station at the time of conveyance, remain the personal property of the United States under the administrative control of the Commandant of the Coast Guard. All conditions placed with the quitclaim deed of title are construed as covenants running with the land. No submerged lands shall be conveyed under this section.

Subsection 308(e) defines the terms “historic light station”, “eligible entity”, “Federal aid to navigation”, and “Secretary”.

Section 3 amends title III of the National Historic Preservation Act (16 U.S.C. 470w through 470w-6), by adding a new section 309 to the Act addressing historic light station sales. Subsection 309(a) provides that if no applicants are approved for the conveyance of the historic light station pursuant to section 308, the historic light station will be offered for sale, pursuant to terms developed by the Administrator, including provisions regarding the treatment of Federal and private aids to navigation and consistency with the National Historic Preservation Act and related requirements. Any such sale must include all the necessary covenants to protect the historical integrity of the history light station, as well as to ensure that any Federal aids to navigation are operated and maintained by the United States for as long as needed.

Subsection 309(b) provides that the National Maritime Heritage Grant Program, established under the National Heritage Act of 1994 (Pub. Law 103-451) is to receive the net sale proceeds from the disposal of a historic light station located on public domain lands. The net sale proceeds from the disposal of an historic light station under the administrative control of the Coast Guard are to be credited to the Coast Guard’s Operating Expenses appropriation’s account.

Section 4 authorizes the appropriation of such sums as may be necessary to carry out the legislation.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 22, 2000.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2343, the National Historic Lighthouse Preservation Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are John R. Righter (for federal costs), Susan Van Deventer, and Marjorie Miller (for the state and local impact).

Sincerely,

STEVEN LIEBERMAN
(For Dan L. Crippen, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2343—National Historic Lighthouse Preservation Act of 2000; As Ordered Reported by the Senate Committee on Energy and Natural Resources on June 7, 2000

Subject to future appropriation actions, implementing S. 2343 could reduce the costs to the United States Coast Guard (USCG) of operating and maintaining historic lighthouses by a few million dollars annually. Because the bill could affect direct spending (including offsetting receipts), pay-as-you-go procedures would apply. CBO estimates that any such change in direct spending would not be significant. S. 2343 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. State and local governments might incur some costs as a result of the bill's enactment, but such costs would be voluntary.

S. 2343 would amend the National Historic Preservation Act to establish a preservation program for historic lighthouses. The General Services Administration (GSA) and the Department of the Interior would be responsible for administering the program, which would collect and disseminate information on historic lighthouses and convey, at no cost, historic lighthouses that are no longer needed. Federal, state, and local departments, as well as nonprofit organizations, would be eligible to receive the lighthouses reported as excess property, provided that they agree to operate and maintain them, as well as make them accessible to the public for educational, recreational, cultural, or historic preservation purposes, and to the federal government for use in aiding navigation.

Subject to certain conditions, the bill would direct GSA to sell any lighthouses for which a qualified applicant has not been found. Net proceeds from the sale would be made available either to the National Maritime Heritage Grant Program or to the USCG, and could be spent without further appropriation. Because we think it is unlikely the government would sell a lighthouse under S. 2343 (according to GSA and the USCG, the government has sold only

one in the last 10 years), as opposed to transferring it at no cost, CBO estimates that enacting the bill would not have an significant impact on direct spending.

According to the USCG, it control about 350 lighthouses. The cost of operating and maintaining these facilities varies widely, but totals less than \$10 million a year. Under S. 2343, the USCG could still use conveyed lighthouses to aid in the navigation of waters, but would no longer be responsible for maintaining and operating them. Thus, if the legislation increases the conveyance of lighthouses to nonfederal entities, the bill should yield savings to the USCG. Any potential savings, however, would depend on which lighthouses were conveyed and on future appropriation actions.

The CBO staff contacts are John R. Righter (for federal costs), Susan Van Deventer, and Marjorie Miller (for the state and local impact). This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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. 2343. 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. 2343, as ordered reported.

EXECUTIVE COMMUNICATIONS

On April 27, 2000, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 2343. These reports had not been received at the time the report on S. 2343 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JOHN PARSONS, ASSOCIATED REGIONAL DIRECTOR, LANDS, RESOURCES AND PLANNING, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR.

Mr. Chairman, thank you for the opportunity to present the position of the Department of the Interior on S. 2343, a bill to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

The department supports the concepts of S. 2343, which provides a process to protect the historic lighthouses of this nation. The Department of the Interior has responsibility under the Historic Preservation Act to preserve the

historic resources of the United States. This bill is intended to provide the Secretary with additional tools to carry out those responsibilities.

The Administration recently submitted to Congress a proposal to amend the Federal Property Administrative Services Act of 1949. Since we have not had adequate opportunity to evaluate this bill in relation to the Administration's proposal, we are unable to take a definitive position on this bill. We are in the process of conducting that evaluation and will provide the Committee with a report as soon as possible.

Lighthouses have long played an important role in the history of our nation. In 1789, one of the earliest acts of the United States Congress was the creation of the Lighthouse Establishment. The Lighthouse Establishment took over operation of the 12 colonial lighthouses in existence as well as the construction and operation of new lighthouses. Early lighthouses were established for their humanitarian purposes and to build confidence in ship captains as well as foreign governments by symbolically implying that the United States was a responsible world power worthy of recognition. Today the United States has the largest number and the most architecturally diverse collection of lighthouses of any country in the world.

As technology in the arena 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 or license to 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 the National Park Service Maritime Heritage Program we engaged in a partnership with the U.S. Coast Guard and the Department of the Defense Legacy Program to inventory and assess historic lighthouses and to prepare a manual for the preservation of lighthouses, the Historic Lighthouse Preservation Handbook. The handbook is being distributed to the managers of every lighthouse in the United States. Through our Federal Lands to Parks Program and Historic Surplus Property Program we assist in the transfer of light stations to state and local governments for park and recreation purposes or for preservation as historic monuments, as currently authorized by the Federal Properties and Administrative Services Act of 1949. To date we have transferred 42 lighthouses for park and recreation uses with 5 additional lighthouses in the process of being transferred in 2000. Twenty-two other lighthouses have been transferred for preservation as historic monuments.

In the near future, the Federal government is expected to dispose of several hundred additional light stations. Current procedures for disposal of these sites do not allow for all potential stewards for historic light stations to be considered. This bill would provide a mechanism to allow various non-profit entities a chance to become stewards of these light stations.

S.2343 would establish a new program to be administered jointly by the Secretary of the Interior and the Administrator of the General Services Administration (GSA). The program would provide for

the transfer of historic light stations, which have been determined by the agency with administrative jurisdiction to be excess property, 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 the applications, recommend the best steward, approve the sale of the light station, monitor the site use, and review and approve proposed changes to historic light stations after the transfer. The Administrator would provide for the legal description and conveyance of the property. The State Historic Preservation Officer and the Commandment, U.S. Coast Guard, will be consulted during the process.

Mr. Chairman, this concludes my remarks. I would be pleased to answer any questions you or other members of your committee may have.

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. 2343, 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, 1966

* * * * *

SEC. 301. * * *

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 program 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 and policies 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, and to monitor the use of such light station by the eligible entity.*
- (2) *The Secretary shall review all applications for the conveyance of a historic light station, when the agency with administrative jurisdiction over the historic light station has determined the property to be 'excess property' as that term is defined in the Federal Property Administrative Services Act of 1949, as amended, 40 U.S.C. 472(e), and forward to the Administrator a single approved application for the conveyance of the historic*

light station. When selecting an eligible entity, the Secretary shall consult with the State Historic Preservation Officer of the state in which the historic light station is located.

(3)(A) Except as provided in paragraph (B), the Administrator shall convey, by quitclaim 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) after the Secretary's selection of an eligible entity. 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. or Section 416(d) of Public Law 105-383.

(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 of a historic light station referenced in this paragraph, such conveyance 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) If the Secretary approves the sale of a historic light station referenced in this paragraph, such sale shall be subject to the conditions set forth in subparagraph (c)(1)(A)-(D), (c)(1)(H), and subsection (c)(2) and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.

(iv) 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, including the reservation of easements and other rights on behalf of the United States, the Administrator considers necessary to ensure that—

(A) the Federal aids to navigation located at the historic light station in operation on the date of conveyance remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;

(B) there is reserved to the United States the right to remove, replace, or install any Federal aid to navigation located at the historic light station as may be necessary for navigational purposes;

(C) the eligible entity to which the historic light station is conveyed under this section shall not interfere or allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without the express written permission of the head of the agency responsible for maintaining the Federal aid to navigation;

(D) the eligible entity to which the historic light station is conveyed under this section shall, at its own cost and ex-

pense, use and maintain the historic light station in accordance with this Act, the National Historic Preservation Act of 1966, 16 U.S.C. 470—470x-7, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws, and any proposed changes to the historic light station shall be reviewed and approved by the Secretary in consultation with the State Historic Preservation Officer of the state in which the historic light station is located, for consistency with 36 CFR part 800.5(a)(2)(vii), and the Secretary of the Interior's Standards for Rehabilitation, 36 CFR part 67.7;

(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;

(F) the eligible entity to which the historic light station is conveyed shall not sell, convey, assign, exchange, or encumber the historic light station, any part thereof, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, unless such sale, conveyance, assignment, exchange or encumbrance is approved by the Secretary;

(G) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activities at the historic light station, any part thereof, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, unless such commercial activities are approved by the Secretary; and

(H) the United States shall have the right, at any time, to enter the historic light station conveyed under this section without notice, for purposes of operating, maintaining and inspecting any aid to navigation and for the purpose of ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

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

(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, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(A) the historic light station, any part thereof, or any associated historic artifact 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 thereof ceases to be maintained in a manner that ensures its present or future as a site for a Federal aid to navigation;

(C) the historic light station, any part thereof, or any associated historic artifact ceases to be maintained in compliance with the National Historic Preservation Act, 16 U.S.C. 470—470x-7, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws;

(D) the eligible entity to which the historic light station is conveyed, sells, conveys, assigns, exchanges, or encumbers the historic light station, any part thereof, or any associated historic artifact, without approval of the Secretary;

(E) the eligible entity to which the historic light station is conveyed, conducts any commercial activities at the historic light station, any part thereof, or in conjunction with any associated historic artifact, without approval of the Secretary; or

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

(d) DESCRIPTION OF PROPERTY.—

(1) The Administrator shall prepare the legal description of any historic light station conveyed under this section. The Administrator, in consultation with the Commandant, Coast Guard, and the Secretary, 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 station at the time of conveyance. Wherever possible, such historical artifacts should be used in interpreting that station. In cases where there is no method for preserving lenses and other artifacts and equipment in situ, priority should be given to preservation or museum entities most closely associated with the station, if they meet loan requirements.

(2) Artifacts associated with, but not located at, the historic light station at the time of conveyance shall remain the personal property of the United States under the administrative control of the Commandant, Coast Guard.

(3) All conditions placed with quitclaim deed of title to the historic light station shall be construed as covenants running with the land.

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

(e) 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, underlying and appurtenant land and related real property and improvements associated therewith; provided that the 'historic light station' 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—

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

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

(3) *FEDERAL AID TO NAVIGATION.*—The term ‘Federal aid to navigation’ shall mean any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation, and shall include, but not be limited to, light, lens, lantern, antenna, sound signal, camera, sensor, electronic navigation equipment, power source, or other associated equipment.

(4) *SECRETARY.*—The term ‘Secretary’ means the Secretary of the Interior.’

SEC. 309 HISTORIC LIGHT STATION SALES

(a) 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 and consistent with the requirements of section 308, subparagraphs (c)(1)(A)–(D), (c)(1)(H), and subsection (c)(2). Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any Federal aid to navigation located at the historic light station is operated and maintained by the United States for as long as needed for that purpose.

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

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

(2) under the administrative control of the Coast Guard shall be credited to the Coast Guard’s Operating Expenses appropriation account, and shall be available for obligation and expenditure for the maintenance of light stations remaining under the administrative control of the Coast Guard, such funds to remain available until expended; provided further, that such funds shall be available in addition to funds available in the Operating Expense appropriation for this purpose.

* * * * *