

105TH CONGRESS
2D SESSION

H. R. 4158

To authorize the private ownership and use of certain secondary structures and surplus lands administered as part of any national historical park that are not consistent with the purposes for which the park was established, if adequate protection of natural, aesthetic, recreational, cultural, and historical values is assured by appropriate terms, covenants, conditions, or reservations.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 1998

Mr. BARTLETT of Maryland introduced the following bill; which was referred to the Committee on Resources

A BILL

To authorize the private ownership and use of certain secondary structures and surplus lands administered as part of any national historical park that are not consistent with the purposes for which the park was established, if adequate protection of natural, aesthetic, recreational, cultural, and historical values is assured by appropriate terms, covenants, conditions, or reservations.

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 Park En-
3 hancement and Protection Act”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) The National Park Service has insufficient
7 funds for the operation, maintenance, and rehabilita-
8 tion of certain units of the National Park System.

9 (2) Federal full fee ownership of structures and
10 lands that are not consistent with the purposes for
11 which a national historical park was established and
12 that are essential only to the protection of such a
13 park is not always required to preserve the aesthetic,
14 natural, cultural, and historical values of national
15 historical parks.

16 (3) The sale or lease, or any extension of a sale
17 or lease, of secondary structures and surplus lands
18 of national historical parks that are not consistent
19 with the purposes for which the parks were estab-
20 lished and that are essential only to the protection
21 of such parks, could generate needed funds while
22 preserving the values for which the parks were es-
23 tablished, if adequate protection of natural, aes-
24 thetic, recreational, cultural, and historical values is
25 assured by appropriate terms, covenants, conditions,
26 or reservations.

1 (4) There are some secondary structures and
2 surplus lands of national historical parks that need
3 not be owned by the Federal Government in fee sim-
4 ple to achieve the benefits for which the parks were
5 established.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) SURPLUS LAND.—The term “surplus land”
9 means land owned by the United States that is—

10 (A) controlled by the Secretary and admin-
11 istered as part of a national historical park;

12 (B) not consistent with the purposes for
13 which the park was established; and

14 (C) determined by the Secretary to be sur-
15 plus to the purposes of national historical
16 parks.

17 (2) SECONDARY STRUCTURES.—The term “sec-
18 ondary structure”—

19 (A) means a structure (including associ-
20 ated land) controlled by the Secretary and ad-
21 ministered as part of a national historical park,
22 that—

23 (i) is not historic under National Reg-
24 ister on Historic Places criteria; and

1 (ii) is determined by the Secretary to
2 be surplus to the purposes of national his-
3 torical parks; and

4 (B) does not include any structure or land
5 that is determined by the Secretary to be part
6 of the essence of a national historical park.

7 (3) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 **SEC. 4. ALLOWING PRIVATE ACQUISITION OR USE OF NA-**
10 **TIONAL HISTORICAL PARK SECONDARY**
11 **STRUCTURES AND SURPLUS LAND.**

12 (a) DETERMINATION OF SECONDARY STRUCTURES
13 AND SURPLUS LAND.—The Secretary shall review the
14 lands and structures that are controlled by the Secretary
15 and administered as part of a national historical park and
16 determine whether any of those lands or structures are
17 secondary structures or surplus lands, respectively.

18 (b) ALLOWING PRIVATE ACQUISITION OR USE.—The
19 Secretary, after determining it to be in the public interest
20 and after publication of notice in the Federal Register and
21 30 days for public comment, may in accordance with this
22 Act sell, lease, permit the use of, or extend a lease or use
23 permit for, any land and structure determined by the Sec-
24 retary to be a secondary structure or surplus land, respec-
25 tively.

1 **SEC. 5. REQUIREMENTS.**

2 (a) COMPETITION.—Except as provided in subsection
3 (c), any sale or lease of property under this Act shall be
4 made under full and open competition.

5 (b) COSTS.—The Secretary shall ensure that the
6 terms of any sale, lease, or use permit under this Act are
7 sufficient to recover the costs to the United States of
8 awarding and administering the sale, lease, or permit. The
9 Secretary shall require that a person acquiring, leasing,
10 or using property under this Act shall bear all reasonable
11 costs of appraisal incidental to such conveyance, lease, or
12 use, as determined by the Secretary.

13 (c) REACQUISITION BY ORIGINAL OWNER.—Before
14 disposing of any secondary structure or surplus land under
15 this Act, the Secretary shall, to the extent possible, pro-
16 vide the person or persons from whom the structure or
17 land was acquired by the United States, or their heirs,
18 as determined from the deed and land records for the
19 property, an opportunity to reacquire the structure or land
20 by negotiated sale, lease, or use permit. The Secretary
21 shall publish a notice in an appropriate regional or local
22 newspaper in an attempt to locate such persons.

23 (d) NOTICE TO CONGRESS.—The Secretary shall re-
24 port to the Committee on Resources of the House of Rep-
25 resentatives and the Committee on Energy and Natural
26 Resources of the Senate each conveyance, lease, or

1 issuance of a use permit for property under this Act hav-
2 ing a total value greater than \$150,000, at least 30 days
3 prior to consummation of the transaction.

4 **SEC. 6. PROTECTION OF HISTORICAL INTEGRITY OF PARK.**

5 In order to protect the natural, aesthetic, rec-
6 reational, cultural, or historic values of any national his-
7 torical park, the Secretary shall include in any sale, lease,
8 or use permit under this Act any terms, covenants, condi-
9 tions, or reservations necessary to ensure preservation of
10 the public interest and uses consistent with the purposes
11 for which the park was established.

12 **SEC. 7. USE OF REVENUES.**

13 Amounts received by the United States as proceeds
14 from any sale, lease, or use of a secondary structure or
15 surplus land under this Act in excess of the administrative
16 cost of the sale, lease, or use—

17 (1) shall be deposited in a special fund in the
18 Treasury; and

19 (2) shall be available to the Secretary, without
20 further appropriation, for operation, maintenance, or
21 improvement of, or for the acquisition of land or in-
22 terests therein for, the national park system unit
23 which generated the proceeds.

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