

110TH CONGRESS  
1ST SESSION

# S. 1796

To provide for the conveyance of the Presque Isle Light Station Fresnel Lens to Presque Isle Township, Michigan.

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IN THE SENATE OF THE UNITED STATES

JULY 17, 2007

Mr. LEVIN (for himself and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To provide for the conveyance of the Presque Isle Light Station Fresnel Lens to Presque Isle Township, Michigan.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. CONVEYANCE OF PRESQUE ISLE LIGHT STA-**  
4                               **TION FRESNEL LENS TO PRESQUE ISLE**  
5                               **TOWNSHIP, MICHIGAN.**

6       (a) CONVEYANCE OF LENS AUTHORIZED.—

7               (1) TRANSFER OF POSSESSION.—Notwith-  
8       standing any other provision of law, the Com-  
9       mandant of the Coast Guard may transfer to  
10      Presque Isle Township, a township in Presque Isle

County in the State of Michigan (in this section referred to as the “Township”), possession of the Historic Fresnel Lens (in this section referred to as the “Lens”) from the Presque Isle Light Station Lighthouse, Michigan (in this section referred to as the “Lighthouse”).

(2) CONDITION.—As a condition of the transfer of possession authorized by paragraph (1), the Township shall, not later than one year after the date of transfer, install the Lens in the Lighthouse for the purpose of operating the Lens and Lighthouse as a Class I private aid to navigation pursuant to section 85 of title 14, United States Code, and the applicable regulations under that section.

(3) CONVEYANCE OF LENS.—Upon the certification of the Commandant that the Township has installed the Lens in the Lighthouse and is able to operate the Lens and Lighthouse as a private aid to navigation as required by paragraph (2), the Commandant shall convey to the Township all right, title, and interest of the United States in and to the Lens.

(4) CESSATION OF UNITED STATES OPERATIONS OF AIDS TO NAVIGATION AT LIGHTHOUSE.—Upon the making of the certification described in

1 paragraph (3), all active Federal aids to navigation  
2 located at the Lighthouse shall cease to be operated  
3 and maintained by the United States.

4 (b) REVERSION.—

5 (1) REVERSION FOR FAILURE OF AID TO NAVI-  
6 GATION.—If the Township does not comply with the  
7 condition set forth in subsection (a)(2) within the  
8 time specified in that subsection, the Township shall,  
9 except as provided in paragraph (2), return the Lens  
10 to the Commandant at no cost to the United States  
11 and under such conditions as the Commandant may  
12 require.

13 (2) EXCEPTION FOR HISTORICAL PRESERVA-  
14 TION.—Notwithstanding the lack of compliance of  
15 the Township as described in paragraph (1), the  
16 Township may retain possession of the Lens for in-  
17 stallation as an artifact in, at, or near the Light-  
18 house upon the approval of the Commandant. The  
19 Lens shall be retained by the Township under this  
20 paragraph under such conditions for the preserva-  
21 tion and conservation of the Lens as the Com-  
22 mandant shall specify for purposes of this para-  
23 graph. Installation of the Lens under this paragraph  
24 shall occur, if at all, not later than two years after

1 the date of the transfer of the Lens to the Township  
2 under subsection (a)(1).

3 (3) REVERSION FOR FAILURE OF HISTORICAL  
4 PRESERVATION.—If retention of the Lens by the  
5 Township is authorized under paragraph (2) and the  
6 Township does not install the Lens in accordance  
7 with that paragraph within the time specified in that  
8 paragraph, the Township shall return the lens to the  
9 Coast Guard at no cost to the United States and  
10 under such conditions as the Commandant may re-  
11 quire.

12 (c) CONVEYANCE OF ADDITIONAL PERSONAL PROP-  
13 erty.—

14 (1) TRANSFER AND CONVEYANCE OF PERSONAL  
15 PROPERTY.—Notwithstanding any other provision of  
16 law, the Commandant may transfer to the Township  
17 any additional personal property of the United  
18 States related to the Lens that the Commandant  
19 considers appropriate for conveyance under this sec-  
20 tion. If the Commandant conveys the Lens to the  
21 Township under subsection (a)(3), the Commandant  
22 may convey to the Township any personal property  
23 previously transferred to the Township under this  
24 subsection.

1           (2) REVERSION.—If the Lens is returned to the  
2       Coast Guard pursuant to subsection (b), the Town-  
3       ship shall return to the Coast Guard all personal  
4       property transferred or conveyed to the Township  
5       under this subsection except to the extent otherwise  
6       approved by the Commandant.

7       (d) CONVEYANCE WITHOUT CONSIDERATION.—The  
8       conveyance of the Lens and any personal property under  
9       this section shall be without consideration.

10       (e) DELIVERY OF PROPERTY.—The Commandant  
11       shall deliver property conveyed under this section—

12           (1) at the place where such property is located  
13       on the date of the conveyance;

14           (2) in condition on the date of conveyance; and

15           (3) without cost to the United States.

16       (f) MAINTENANCE OF PROPERTY.—As a condition of  
17       the conveyance of any property to the Township under this  
18       section, the Commandant shall enter into an agreement  
19       with the Township under which the Township agrees—

20           (1) to operate the Lens as a Class I private aid  
21       to navigation under section 85 of title 14, United  
22       States Code, and application regulations under that  
23       section; and

1           (2) to hold the United States harmless for any  
 2           claim arising with respect to personal property con-  
 3           veyed under this section.

4           (g) LIMITATION ON FUTURE CONVEYANCE.—The in-  
 5           struments providing for the conveyance of property under  
 6           this section shall—

7           (1) require that any further conveyance of an  
 8           interest in such property may not be made without  
 9           the advance approval of the Commandant; and

10          (2) provide that, if the Commandant determines  
 11          that an interest in such property was conveyed with-  
 12          out such approval—

13               (A) all right, title, and interest in such  
 14               property shall revert to the United States, and  
 15               the United States shall have the right to imme-  
 16               diate possession of such property; and

17               (B) the recipient of such property shall pay  
 18               the United States for costs incurred by the  
 19               United States in recovering such property.

20          (h) ADDITIONAL TERMS AND CONDITIONS.—The  
 21          Commandant may require such additional terms and con-  
 22          ditions in connection with the conveyances authorized by  
 23          this section as the Commandant considers appropriate to  
 24          protect the interests of the United States.

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