

HR 5199 IH

106th CONGRESS

2d Session

H. R. 5199

To provide for conveyance of a lighthouse to the City of Kingston, New York.

IN THE HOUSE OF REPRESENTATIVES

September 18, 2000

Mr. HINCHEY introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To provide for conveyance of a lighthouse to the City of Kingston, New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF KINGSTON LIGHTHOUSE, NEW YORK.

(a) **AUTHORITY TO CONVEY-**

(1) **IN GENERAL-** Notwithstanding any other law, the conveying authority shall convey to the city of Kingston, New York, without monetary consideration, all right, title, and interest of the United States in and to the Kingston Lighthouse known as Roundout Creek Light 2, Roundout Creek, Ulster County, Kingston, New York, together with any improvements thereon in their then current condition.

(2) **IDENTIFICATION OF PROPERTY-** The conveying authority shall identify, describe, and determine the property to be conveyed under this section. The conveying authority 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 and located at a property conveyed under this section at the time of conveyance. No submerged lands shall be conveyed under this section.

(3) **ADMINISTRATION OF RETAINED ARTIFACTS-** Artifacts associated with, but not located at property conveyed under this section at the time of conveyance,

shall remain the personal property of the United States under the administrative control of the Commandant.

(b) TERMS AND CONDITIONS OF CONVEYANCE-

(1) IN GENERAL- The conveyance of property under this section shall be made subject to any terms and conditions the conveying authority considers necessary, including the reservation of easements and other rights on behalf of the United States, to ensure that--

(A) the aids to navigation located at property conveyed under this section shall 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, relocate, or replace any aid to navigation located upon, or install or construct any aid to navigation upon, property conveyed under this section as may be necessary for navigational purposes;

(C) the United States shall have the right to enter property conveyed under this section at any time, without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purposes of exercising any of the rights set forth in subparagraph (B); and

(D) the City shall not, without the Commandant's express written permission, interfere or allow interference, in any manner, with any aid to navigation, or hinder activities required--

(i) for the inspection, operation, and maintenance of any aid to navigation; or

(ii) for the exercise of any of the rights set forth in subparagraph (B).

(2) MAINTENANCE OF CONVEYED PROPERTY- (A) The City shall, at its own cost and expense, maintain the property conveyed under this section in a proper, substantial, and workmanlike manner.

(B) The City shall not be required to maintain any active aid to navigation associated with the property conveyed under this section except for private aids to navigation permitted under section 83 of title 14, United States Code.

(3) PUBLIC ACCESS- The City shall ensure that the property conveyed is available and accessible to the public, on a reasonable basis, for educational, park, recreational, cultural, historic preservation, or similar purposes.

(4) COVENANTS- All conditions included in the deed of title for property

conveyed under this section shall be construed as covenants running with the land.

(c) REVERSIONARY INTEREST- In addition to any term or condition established pursuant to this section, any property conveyed under this section, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if--

(1) the property, or any part thereof, ceases to be maintained in a manner that ensures its present or future use as a site for an aid to navigation, as determined by the Commandant;

(2) the property, or any part thereof, ceases to be maintained in a manner compliant with any conditions established under the National Historic Preservation Act (16 U.S.C. 470 et seq.) or any other applicable laws, as determined by the Secretary of the Interior;

(3) the City conveys, assigns, exchanges, or in any manner encumbers the property for consideration, unless approved by the Administrator;

(4) the City conducts any commercial activities at the property, unless approved by the Administrator; or

(5) at least 30 days before the reversion, the Administrator provides written notice to the City that the property, or any portion thereof, is needed for national security purposes.

(d) DEFINITIONS- For purposes of this section:

(1) ADMINISTRATOR- The term `Administrator' means the Administrator of General Services.

(2) AID TO NAVIGATION- The term `aid to navigation' means equipment used for navigation purposes, including any light, antenna, sound signal, electronic and radio navigation equipment and signals, cameras, sensors, or other equipment operated or maintained by the United States.

(3) CITY- The term `City' means the city of Kingston, New York, and its successors and assigns.

(4) COMMANDANT- The term `Commandant' means the Commandant of the Coast Guard.

(5) CONVEYING AUTHORITY- The term `conveying authority' means the Administrator or the Commandant, as appropriate.

END