

106TH CONGRESS  
2D SESSION

# S. 3245

To provide for the transfer of the Coast Guard Station Seituate to the National Oceanic and Atmospheric Administration, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 26 (legislative day, SEPTEMBER 22), 2000

Mr. KERRY 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 transfer of the Coast Guard Station Seituate to the National Oceanic and Atmospheric Administration, and for other purposes.

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. TRANSFER OF COAST GUARD STATION  
4 SCITUATE TO THE NATIONAL OCEANIC AND  
5 ATMOSPHERIC ADMINISTRATION.**

6       (a) AUTHORITY TO TRANSFER.—

7           (1) IN GENERAL.—The Administrator of the  
8 General Services Administration, in consultation  
9 with the Commandant, United States Coast Guard,  
10 may transfer without consideration administrative

1 jurisdiction, custody, and control over the Federal  
2 property known as Coast Guard Station Scituate to  
3 the National Oceanic and Atmospheric Administra-  
4 tion (hereinafter referred to as “NOAA”).

5 (2) IDENTIFICATION OF PROPERTY.—The Ad-  
6 minister, in consultation with the Commandant,  
7 may identify, describe, and determine the property  
8 to be transferred under this section.

9 (b) TERMS OF TRANSFER.—

10 (1) The transfer of the property shall be made  
11 subject to any conditions and reservations the Com-  
12 mandant considers necessary to ensure that—

13 (A) the transfer of the property to NOAA  
14 is contingent upon the relocation of Coast  
15 Guard Station Scituate to a suitable site;

16 (B) there is reserved to the Coast Guard  
17 the right to remove, relocate, or replace any aid  
18 to navigation located upon, or install any aid to  
19 navigation upon, the property transferred under  
20 this section as may be necessary for naviga-  
21 tional purposes; and

22 (C) the Coast Guard shall have the right  
23 to enter the property transferred under this sec-  
24 tion at any time, without notice, for purposes of

1 operating, maintaining, and inspecting any aid  
2 to navigation.

6 (c) RELOCATION OF STATION SCITUATE.—The Coast  
7 Guard may—

13 SEC. 2. COAST GUARD STATION NANTUCKET; PLUM ISLAND  
14 PROPERTY.

15 (a) AUTHORITY TO CONVEY.—

16 (1) IN GENERAL.—The Secretary of Transporta-  
17 tion may convey, by an appropriate means of con-  
18veyance, all right, title, and interest of the United  
19 States in and to each of the following properties:

20 (A) Coast Guard LORAN Station Nan-  
21 tucket, located in Nantucket, Massachusetts, to  
22 the Town of Nantucket, Massachusetts.

23 (B) Two parcels of land on which are situated the Plum Island Boathouse and the Plum  
24 Island Lighthouse (also known as the Newbury-  
25

1 port Harbor Light), located in Essex County,  
2 Massachusetts, to the city of Newburyport,  
3 Massachusetts.

12 (B) any interest in submerged land.

16 (A) without payment of consideration; and  
17 (B) subject to the conditions required by  
18 this section and other terms and conditions the  
19 Secretary may consider appropriate, including  
20 the reservation of easements and other rights  
21 on behalf of the United States.

1       interest in the property conveyed shall immediately  
2       revert to the United States if—

3                   (A) the property, or any part of the  
4                   property—

5                           (i) ceases to be available and acces-  
6                           sible to the public, on a reasonable basis,  
7                           for educational, park, recreational, cul-  
8                           tural, historic preservation, or other simi-  
9                           lar purposes specified for the property in  
10                           the terms of conveyance;

11                           (ii) ceases to be maintained in a man-  
12                           ner that is consistent with its present or  
13                           future use as a site for Coast Guard aids  
14                           to navigation or compliance with this sec-  
15                           tion; or

16                           (iii) ceases to be maintained in a man-  
17                           ner consistent with the provisions in para-  
18                           graph (4) established by the Secretary pur-  
19                           suant to the National Historic Preserva-  
20                           tion Act of 1966 (16 U.S.C. 470 et seq.);

21                           or

22                           (B) at least 30 days before that reversion,  
23                           the Secretary provides written notice to the  
24                           owner that the property is needed for national  
25                           security purposes.

6 (A) the lights, antennas, and associated  
7 equipment located on the property conveyed,  
8 which are active aids to navigation, shall con-  
9 tinue to be operated and maintained by the  
10 United States for as long as they are needed for  
11 this purpose;

12 (B) the owner of the property may not  
13 interfere or allow interference in any manner  
14 with aids to navigation without express written  
15 permission from the Commandant of the Coast  
16 Guard;

17 (C) there is reserved to the United States  
18 the right to relocate, replace, or add any aid to  
19 navigation or make any changes to the property  
20 conveyed as may be necessary for navigational  
21 purposes;

22 (D) the United States shall have the right,  
23 at any time, to enter the property without no-  
24 tice for the purpose of maintaining aids to navi-

1 gation and for the purpose of enforcing compli-  
2 ance with this section; and

3 (E) the United States shall have an ease-  
4 ment of access to and across the property for  
5 the purpose of maintaining the aids to naviga-  
6 tion in use on the property.

7 (4) MAINTENANCE OF PROPERTY.—

8 (A) Subject to subparagraph (B), the  
9 owner of a property conveyed under this section  
10 shall maintain the property in a proper, sub-  
11 stantial, and workmanlike manner, and in ac-  
12 cordance with any conditions established by the  
13 conveying authority pursuant to the National  
14 Historic Preservation Act of 1966 (16 U.S.C.  
15 470 et seq.), and other applicable laws.

16 (B) The owner of a property conveyed  
17 under this section is not required to maintain  
18 any active aid to navigation equipment on the  
19 property, except private aids to navigation per-  
20 mitted under section 83 of title 14, United  
21 States Code.

22 (c) SPECIAL TERMS AND CONDITIONS.—

23 (1) COAST GUARD LORAN STATION NAN-  
24 TUCKET.—

1 (A) The Secretary may not convey under  
2 this section any interest in the property re-  
3 ferred to in subsection (a)(1)(A) before the date  
4 on which the Town of Nantucket enters into an  
5 agreement with the Secretary to relocate the  
6 Coast Guard receiving antenna and associated  
7 equipment (as determined by the Commandant,  
8 at the Town's sole expense and in accordance  
9 with design specification, project schedules, and  
10 final project approval by the Commandant.

20 (C) Paragraphs (2)(A)(iii) and (4)(A) of  
21 subsection (b) do not apply to the property re-  
22 ferred to in subsection (a)(1)(A).

1 to in subsection (a)(1)(B) that the Secretary con-  
2 siders appropriate.

3 (d) DEFINITIONS.—In this section:

4 (1) AIDS TO NAVIGATION.—The term “aids to  
5 navigation” means equipment used for navigation  
6 purposes, including lights, antennae, radio, sound  
7 signals, electronic navigation equipment, or other as-  
8 sociated equipment operated or maintained by the  
9 United States.

10 (2) COMMANDANT.—The term “Commandant”  
11 means the Commandant of the Coast Guard.

12 (3) OWNER.—The term “owner” means, for a  
13 property conveyed under this section, the person  
14 identified in subsection (a)(1) to whom the property  
15 is conveyed, including any successor or assign of  
16 that person.

17 (4) SECRETARY.—The term “Secretary” means  
18 the Secretary of Transportation.

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