

Public Law 102-488
102d Congress

An Act

To authorize the Secretary of the Interior to revise the boundaries of the Minute Man National Historical Park in the State of Massachusetts, and for other purposes.

Oct. 24, 1992
[H.R. 2896]

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

Minute Man
National
Historical Park
Amendments of
1991.
Conservation.
16 USC 410s
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minute Man National Historical Park Amendments of 1991".

SEC. 2. AMENDMENTS TO MINUTE MAN PARK ACT.

16 USC 410s.

The Act of September 21, 1959, entitled "An Act to provide for the establishment of the Minute Man National Historical Park in Massachusetts, and for other purposes" (Public Law 86-321; 73 Stat. 590; 16 U.S.C. 410s and following) is amended by striking so much of the first section as follows the first sentence thereof (including all of subsections (b) and (c)) and inserting the following: "The purposes of the park shall include the preservation and interpretation of (1) the historic landscape along the road between Lexington and Concord, (2) sites associated with the causes and consequences of the American Revolution, and (3) the Wayside on Lexington Road in Concord, the home of Nathaniel Hawthorne, Bronson Alcott, Louisa May Alcott, and Margaret Sidney, whose works illustrate the nineteenth century American literary renaissance.

"(b) The park shall be comprised of the lands depicted on the map entitled 'Boundary Map NARO-406-20015C', dated June 1991."

(3) Section 2 is amended by inserting "(a)" after "SEC. 2." and by adding the following at the end thereof:

16 USC 410t.

"(b) The Secretary of the Interior shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Defense the two parcels currently administered by the Secretary of the Interior, as depicted on the map dated April 1990 and numbered NARO-406/80805. The Secretary of Defense shall transfer to the administrative jurisdiction of the Secretary of the Interior, without reimbursement, for inclusion in the Minute Man National Historical Park the 4 parcels now administered by the Secretary of Defense, as depicted on the maps dated April 1990 and numbered NARO-406/80804 and NARO-406/80805.

"(c) The Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, lands or interests in lands within the areas included within the boundaries of the park pursuant to amendments made by the Minute Man National Historical Park Amendments of 1991 (hereinafter referred to as '1991 additions'), except that—

Gifts and
property.

"(1) lands, and interests in lands, within the 1991 additions which are owned by the State of Massachusetts or any political subdivision thereof, may be acquired only by donation, and

"(2) lands, and interests in lands, within the 1991 additions which are used for noncommercial residential purposes as of July 1, 1991, may be acquired only with the consent of the owner thereof unless the property is being developed, or is proposed to be developed, in a manner which the Secretary determines to be detrimental to the scenic, historical, cultural, and other values of the park.

Nothing in paragraph (2) shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances for any lands within the 1991 additions. Not later than 6 months after the enactment of the Minute Man National Historical Park Amendments of 1991, and after notice and opportunity for public comment, the Secretary of the Interior shall publish specific guidelines for making determinations under paragraph (2). Such guidelines shall provide for (A) written notice to the Secretary prior to commencement of any proposed development on the lands referred to in paragraph (2), (B) written notice by the Secretary to the owner of such lands of any determination proposed to be made under paragraph (2), and (C) a reasonable opportunity for the owner to comment on such proposed determination.

Real property.

"(d)(1) Any individual who owns private property acquired by the Secretary under subsection (c) may, on the date of such acquisition and as a condition of such acquisition, retain for himself and his successors or assigns, a right of use and occupancy of the property for a definite term of not more than 25 years from the date of acquisition by the Secretary or a term ending at the death of the owner or the owner's spouse, whichever is later. The owner shall elect the term to be reserved.

"(2) Unless the property is wholly or partially donated, the Secretary shall pay to the owner reserving a right of use and occupancy under this subsection the fair market value of the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner.

"(3) For purposes of applying this subsection, ownership shall be determined as of July 1, 1991."

Appropriation authorization.
16 USC 410x.

(4) At the end of section 6 insert "For fiscal years after fiscal year 1991, there is authorized to be appropriated an additional \$15,000,000 for development and an additional \$7,300,000 for acquisition of lands and interests in lands."

(5) Add the following new section at the end of such Act:

16 USC 410x-1.

"SEC. 7. RESIDENTIAL OCCUPANCY.

"(a) OFFER.—In the case of each individual who—

"(1) sold residential property between 1966 and 1968 to the United States for purposes of the park, and

"(2) continues to occupy such residential property pursuant to a residential special use permit as of the enactment of this section,

the Secretary of the Interior shall offer to extend such residential special use permit for a term ending on the death of such individual or such individual's spouse, whichever is later.

"(b) TERMS AND CONDITIONS.—Any residential special use permit extended pursuant to subsection (a) shall—

“(1) permit the reasonable residential use and occupancy of the property by the individual to whom such permit is granted and such individual’s spouse; and

“(2) be subject to such terms and conditions as the Secretary may prescribe (including termination) to ensure that the permit does not unreasonably diminish the values of the park.

The extension of any such residential special use permit shall be conditional upon the payment by the individual holding such permit of an annual fee in the same amount as required as of July 1, 1991.

“SEC. 8. DEFINITION.

16 USC 410x-2.

“As used in this Act, the term ‘residential property’ means a single-family dwelling, the construction of which began before July 1, 1991, together with such land on which the dwelling and appurtenant buildings are located as is in the same ownership as such dwelling and as the Secretary designates as reasonably necessary for the owner’s continued use and occupancy of the dwelling.”

Approved October 24, 1992.

LEGISLATIVE HISTORY—H.R. 2896:

HOUSE REPORTS: No. 102-276 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 102-330 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 137 (1991): Oct. 28, considered and passed House.

Vol. 138 (1992): Oct. 7, considered and passed Senate.