

Union Calendar No. 377

103^D CONGRESS
2^D SESSION

H. R. 3433

[Report No. 103-615, Parts I and II]

A BILL

To provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior.

AUGUST 9, 1994

Reported from the Committee on Ways and Means with amendments

AUGUST 9, 1994

Committee on Government Operations discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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To provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 1993

Ms. PELOSI introduced the following bill; which was referred to the Committee on Natural Resources

APRIL 14, 1994

Additional sponsors: Mr. YATES, Mr. MURTHA, Mr. DELLUMS, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BACCHUS of Florida, Mr. BECERRA, Mr. BEILENSEN, Mr. BERMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BONIOR, Mr. BOUCHER, Mr. BROOKS, Mr. BROWN of California, Mr. BRYANT, Mrs. BYRNE, Mr. CLAY, Mrs. CLAYTON, Mr. COLEMAN, Mr. CONYERS, Mr. DARDEN, Mr. DE LA GARZA, Ms. DELAURO, Mr. DE LUGO, Mr. DIXON, Mr. DURBIN, Mr. EDWARDS of California, Ms. ENGLISH of Arizona, Ms. ESHOO, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FAZIO, Mr. FILNER, Mr. FINGERHUT, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GORDON, Mr. HAMBURG, Ms. HARMAN, Mr. HEFNER, Mr. HINCHEY, Mr. HOAGLAND, Mr. JOHNSTON of Florida, Ms. KAPTUR, Mrs. KENNELLY, Mr. LANTOS, Mr. LAROCO, Mr. LAUGHLIN, Mr. LEHMAN, Mr. LEWIS of Georgia, Mrs. LLOYD, Mrs. LOWEY, Mr. McDERMOTT, Mr. McCLOSKEY, Mr. MANTON, Mr. MATSUI, Mr. MARKEY, Mr. MARTINEZ, Mr. MEEHAN, Mrs. MEEK, Mr. MINETA, Mrs. MINK, Mr. MOAKLEY, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. PASTOR, Mr. RICHARDSON, Mr. ROMERO-BARCELÓ, Mr. ROSE, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SANDERS, Ms. SCHENK, Mr. SCHUMER, Mr. SERRANO, Mr. STOKES, Mr. STUDDS, Mr. THOMPSON of Mississippi, Mr. THORNTON, Mr. TORRES, Mr. TORRICELLI, Mr. TUCKER, Mr. UNDERWOOD, Mrs. UNSOELD, Ms. VELÁZQUEZ, Mr. VISCLOSKEY, Mr. WASHINGTON, Ms. WATERS, Mr. WAXMAN, Mr. WHITTEN, Mr. WILSON, Ms. WOOLSEY, and Mr. WYDEN

JULY 21, 1994

Additional sponsors: Mr. ENGEL, Mr. GEPHARDT, Mr. GILMAN, Mr. JEFFERSON, Mr. KENNEDY, Mr. LANCASTER, Mr. SAWYER, Mr. BARLOW, Ms. BROWN of Florida, Mr. GUTIERREZ, Mr. GONZALEZ, Mr. DICKS, Mr. CONDIT, Mr. HORN, Mr. SARPALIUS, Mr. BARRETT of Wisconsin, Mr. MURPHY, Mr. RAVENEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RANGEL, Mr. MONTGOMERY, Mr. REYNOLDS, Mr. WHEAT, and Mr. SKAGGS

JULY 21, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

AUGUST 1, 1994

The Committee of the Whole House on the State of the Union discharged, and referred to the Committee on Ways and Means for a period ending not later than August 9, 1994, for consideration of such provisions of the bill and the amendment recommended by the Committee on Natural Resources as fall within the jurisdiction of the Committee on Ways and Means pursuant to clause 1(v), rule X

AUGUST 3, 1994

Referred to the Committee on Government Operations for a period ending not later than August 9, 1994, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(j) of rule X

AUGUST 9, 1994

Reported from the Committee on Ways and Means with amendments

[Omit the part struck through in italic and insert the part printed in boldface roman]

AUGUST 9, 1994

Committee on Government Operations discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on April 14, 1994]

A BILL

To provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior.

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. FINDINGS.**

4 *The Congress finds that—*

5 *(1) the Presidio of San Francisco, located amidst*
6 *the incomparable scenic splendor of the Golden Gate,*
7 *is one of America's great natural and historic sites;*

8 *(2) the Presidio is the oldest continually operat-*
9 *ing military post in the Nation dating from 1776,*
10 *and was designated as a National Historic Landmark*
11 *in 1962;*

12 *(3) preservation of the cultural and historic in-*
13 *tegrity of the Presidio for public use would give due*
14 *recognition to its significant role in the history of the*
15 *United States;*

16 *(4) the Presidio in its entirety will transfer to*
17 *the jurisdiction of the National Park Service on Sep-*
18 *tember 30, 1994, in accordance with Public Law 92-*
19 *589;*

20 *(5) as part of the Golden Gate National Recre-*
21 *ation Area, the Presidio's outstanding natural, his-*
22 *toric, scenic, cultural and recreational resources must*
23 *be managed in a manner which is consistent with*
24 *sound principles of land use planning and manage-*
25 *ment, and which protect the Presidio from develop-*

1 *ment and uses which would destroy the scenic beauty*
2 *and natural character of the area;*

3 *(6) activities and management at the Presidio*
4 *must be consistent with both the Act establishing the*
5 *Golden Gate National Recreation Area (Public Law*
6 *92-589) and the General Management Plan for the*
7 *Golden Gate National Recreation Area, as amended;*

8 *(7) the Presidio will be a global center dedicated*
9 *to addressing the world's most critical environmental,*
10 *social, and cultural challenges and a working labora-*
11 *tory at which models of environmental sustainability*
12 *shall be developed;*

13 *(8) the Presidio, as an urban park, will be man-*
14 *aged in a manner that is responsive to the concerns*
15 *of the public and cognizant of its impact on the local*
16 *community, and as a public resource, will reflect, in*
17 *both activities and management, of the diversity that*
18 *exists in the surrounding community; and*

19 *(9) the Presidio will be managed in an innova-*
20 *tive public/private partnership that minimizes cost to*
21 *the United States Treasury and makes efficient use of*
22 *private sector resources that could be utilized in the*
23 *public interest.*

1 **SEC. 2. AMENDMENT OF ACT ESTABLISHING GOLDEN GATE**
2 **NATIONAL RECREATION AREA.**

3 (a) *STATEMENT OF PURPOSES.*—Section 1 of the Act
4 entitled “An Act to establish the Golden Gate National
5 Recreation Area in the State of California, and for other
6 purposes”, approved October 27, 1972 (Public Law 92–589;
7 86 Stat. 1299; 16 U.S.C. 460bb), is amended by inserting
8 the following after the second sentence: “In addition, the
9 Secretary may utilize the resources of the Presidio of San
10 Francisco to provide for and support programs and activi-
11 ties that foster research, education or demonstration
12 projects, and relate to the environment, energy, transpor-
13 tation, international affairs, arts and cultural understand-
14 ing, health and science.”.

15 (b) *ADMINISTRATION.*—Section 4 of such Act is
16 amended by adding the following new subsection at the end
17 thereof:

18 “(g) *INTERIM AUTHORITY.*—(1) In addition to other
19 available authorities, the Secretary may, in his discretion,
20 negotiate and enter into leases, as appropriate, with any
21 person, firm, association, organization, corporation or gov-
22 ernmental entity for the use of any property within the Pre-
23 sidio in accordance with the General Management Plan and
24 any of the purposes set forth in section 1 of this Act. The
25 Secretary may further, in his discretion, negotiate and
26 enter into leases or other appropriate agreements with any

1 *Federal agency to house employees of the agency engaged*
2 *in activities or programs at the Presidio.*

3 “(2) *In addition to other available authorities, the Sec-*
4 *retary may, in his discretion, enter into—*

5 “(A) *interagency permitting agreements or other*
6 *appropriate agreements with the Secretary of Defense*
7 *and the Director of the Federal Emergency Manage-*
8 *ment Agency, and*

9 “(B) *leases with the American Red Cross, to*
10 *house their activities and employees at the Presidio.*

11 “(3) *Any leases or other appropriate agreements en-*
12 *tered into under this subsection shall be subject to such pro-*
13 *cedures, terms, conditions and restrictions as the Secretary*
14 *deems necessary. The Secretary is authorized to negotiate*
15 *and enter into leases or other agreements, at fair market*
16 *value and without regard to section 321 of chapter 314 of*
17 *the Act of June 30, 1932 (40 U.S.C. 303b), fair market*
18 *value shall take into account the uses permitted by the Gen-*
19 *eral Management Plan and this Act. The preceding sentence*
20 *shall not apply to any interagency permitting agreement*
21 *entered into between the Secretary and the Secretary of De-*
22 *fense regarding the housing of activities and employees of*
23 *the Sixth United States Army. For purposes of any such*
24 *lease or other agreements, the Secretary may adjust the*
25 *rental by taking into account any amounts to be expended*

1 *by the lessee for preservation, maintenance, restoration, im-*
2 *provement, repair and related expenses with respect to the*
3 *leased properties.*

4 “(4) *The proceeds from leases under this subsection,*
5 *and from concession and other use authorizations and from*
6 *other services that may be provided by the recreation area*
7 *under this subsection shall be retained by the Secretary for*
8 *5 years after the date of enactment of this paragraph or*
9 *until the leased property is transferred to the Presidio Trust*
10 *and shall be available without further appropriation and*
11 *used to offset the costs of preservation, restoration, mainte-*
12 *nance, improvement, repair and related expenses including*
13 *administration of the above, incurred by the Secretary with*
14 *respect to Presidio properties, with the balance used to offset*
15 *other costs incurred by the Secretary in the administration*
16 *of the Presidio.*

17 “(5) *Each lessee of a lease entered into under this sub-*
18 *section shall keep such records as the Secretary may pre-*
19 *scribe to enable the Secretary to determine that all terms*
20 *of the lease have been and are being faithfully performed.*
21 *The Secretary and the Comptroller General and their duly*
22 *authorized representatives shall, for the purpose of audit*
23 *and examination, have access to financial records pertinent*
24 *to the lease and all the terms and conditions thereof.*

1 “(6) The Secretary shall annually prepare and submit
2 to Congress a report on property leased under this sub-
3 section.

4 “(7) In addition to other available authorities, the Sec-
5 retary may, in his discretion, enter into cooperative agree-
6 ments and permits for any of the purposes of the recreation
7 area set out in section 1 of this Act.”.

8 **SEC. 3. THE PRESIDIO TRUST.**

9 (a) *ESTABLISHMENT.*—There is established within the
10 Department of the Interior a non-profit public benefit gov-
11 ernment corporation to be known as the Presidio Trust
12 (hereinafter in this Act referred to as the “Trust”). The
13 Trust shall manage, in accordance with the purposes set
14 forth in section 1 of the Act entitled “An Act to establish
15 the Golden Gate National Recreation Area in the State of
16 California, and for other purposes”, approved October 27,
17 1972 (Public Law 92–589; 86 Stat. 1299; 16 U.S.C. 460bb),
18 and with this Act, the leasing, maintenance, rehabilitation,
19 repair and improvement of property within the Presidio
20 which is transferred to the Trust by the Secretary of the
21 Interior (hereinafter in this Act referred to as the “Sec-
22 retary”). The Trust may participate in the development of
23 programs and activities at the properties that have been
24 transferred to the Trust.

1 (b) *TRANSFER.*—*Except as provided in this subsection,*
2 *the Secretary shall transfer to the Trust, under such terms*
3 *and conditions as the Secretary deems appropriate, a lease-*
4 *hold in the following properties within the Presidio under*
5 *the control of the Secretary: the Letterman-LAIR complex,*
6 *Fort Scott, Main Post, Cavalry Stables, Presidio Hill,*
7 *Wherry Housing, East Housing, the structures at Crissy*
8 *Field, and such other properties, within the Presidio as the*
9 *Secretary and the Trust deems appropriate. Any such prop-*
10 *erty shall be transferred within 60 days after a request is*
11 *made by the Trust. The leasehold shall be of sufficient term*
12 *to enable the Trust to obtain necessary and beneficial fi-*
13 *nancing arrangements and to carry out the purposes of this*
14 *Act. The Secretary may withhold transfer to the Trust of*
15 *any buildings necessary to house or support activities of*
16 *the National Park Service. The Secretary may not transfer*
17 *to the Trust any property irrevocably permitted to the De-*
18 *partment of Army. The Secretary shall transfer, with any*
19 *transferred property, all leases, concessions, licenses and*
20 *other agreements affecting such transferred property. The*
21 *Secretary may transfer any properties within the Presidio*
22 *to the Trust not requested by the Trust subject to terms and*
23 *conditions mutually agreed to by the Secretary and the*
24 *Trust. All proceeds received by the Presidio Trust from the*
25 *leasing of properties managed by the Trust within the Pre-*

1 *sidio shall be retained by the Trust without further appro-*
2 *priation and used to offset the costs of administration, pres-*
3 *ervation, restoration, operation, maintenance, repair, and*
4 *related expenses incurred by the Trust with respect to such*
5 *properties. After any building or structure is transferred*
6 *to the Trust, no appropriated funds may be used to im-*
7 *prove, rehabilitate, or repair such building or structure, ex-*
8 *cept on an emergency basis.*

9 *(c) BOARD OF DIRECTORS.—(1) The powers and man-*
10 *agement of the Trust shall be vested in a Board of Directors*
11 *consisting of 13 members, as follows:*

12 *(A) The Director of the National Park Service.*

13 *(B) Secretary of the Army.*

14 *(C) Administrator of the Environmental Protec-*
15 *tion Agency.*

16 *(D) Ten individuals, who are not employees of*
17 *the Federal Government, appointed by the Secretary*
18 *within 6 months after the date of the enactment of*
19 *this Act, 6 of whom shall have knowledge and experi-*
20 *ence in one or more of the fields of the environment,*
21 *energy, transportation, international affairs, health,*
22 *science, education, or any other such field related to*
23 *the activities at the Presidio; 4 of whom shall have*
24 *knowledge and experience in one or more of the fields*
25 *of city planning, finance, real estate, labor or historic*

1 *preservation. With respect to the 10 individuals, 5*
2 *shall meet the additional requirement of possessing*
3 *extensive knowledge of the region in which the Pre-*
4 *sidio is located.*

5 *Each member of the Board of Directors specified in sub-*
6 *paragraphs (A) through (C) paragraph (1) may designate*
7 *(through written notice to the Secretary and Chairman of*
8 *the Board) an alternative senior official (classified as Sen-*
9 *ior Executive Service) of his or her department or agency*
10 *who may serve on the Board in his or her stead. The Sec-*
11 *retary of the Army shall serve on the Board until such time*
12 *as the Sixth Army Headquarters ceases to maintain a pres-*
13 *ence at the Presidio. In such an event, the Secretary of En-*
14 *ergy shall replace the Secretary of the Army on the Board.*

15 *(d) TERMS OF BOARD MEMBERS.—Each member of*
16 *the Board of Directors appointed under subparagraph (D)*
17 *of subsection (c)(1) shall serve for a term of 5 years from*
18 *the expiration of his or her predecessor's term; except that*
19 *the Secretary, in making the initial appointments to the*
20 *Board under subparagraph (D), shall appoint 3 Directors*
21 *to a term of 2 years and 3 Directors to a term of 3 years.*
22 *Any vacancy on the Board of Directors shall be filled in*
23 *the same manner in which the original appointment was*
24 *made, and any member appointed to fill a vacancy shall*
25 *serve for the remainder of the term for which his or her*

1 predecessor was appointed. Each member shall continue to
2 serve after the expiration of his or her term until his or
3 her successor is appointed. No appointed director may serve
4 more than 10 years in consecutive terms.

5 (e) ORGANIZATION AND COMPENSATION.—(1) The
6 Board of Directors shall elect at the initial meeting a Chair-
7 man and a Vice Chairman from among the members of the
8 Board of Directors. The Director of the National Park Serv-
9 ice shall serve as Chairman until such time as the Board
10 holds such election.

11 (2) The Board of Directors may establish an Executive
12 Committee within the Board and other such committees
13 within the Board as it deems appropriate, and delegate
14 such powers to such committees as the Board determines
15 appropriate to carry out its functions and duties. Any such
16 committees established by the Board may meet and take ac-
17 tion on behalf of the Board between meetings to the extent
18 the Board delegates such authority. Delegations to such
19 committees shall not relieve the Board of full responsibility
20 for the carrying out of its functions and duties, and shall
21 be revocable by the Board in its exclusive judgment.

22 (3) Members of the Board of Directors shall serve with-
23 out pay, but may be reimbursed for the actual and nec-
24 essary traveling and subsistence expenses incurred by them
25 in the performance of the duties of the Trust.

1 (4) *The Board of Directors shall meet at the call of*
2 *the Chairman, who shall require it to meet not less often*
3 *than once every 6 months. A majority of the members of*
4 *the Board of Directors (or their designated alternates) shall*
5 *constitute a quorum. The Board shall hold at least one pub-*
6 *lic meeting per year at the Presidio at which time the*
7 *Board shall report on its operations, accomplishments and*
8 *goals for the upcoming year.*

9 (5) *Members of the Board of Directors shall not be con-*
10 *sidered Federal employees by virtue of their membership on*
11 *the Board, except for purposes of the Federal Tort Claims*
12 *Act and other statutes defining legal liability.*

13 (f) *STAFF.—The Board of Directors shall have the*
14 *power to appoint and fix the compensation and duties of*
15 *an Executive Director and such other officers and employees*
16 *of the Trust as may be necessary for the efficient adminis-*
17 *tration of the Trust. Officers and employees of the Trust*
18 *may be appointed and compensated without regard to the*
19 *provisions of title 5, United States Code, governing ap-*
20 *pointments in the competitive service, and may be paid*
21 *without regard to the provisions of chapter 51, and sub-*
22 *chapter III of chapter 53, title 5, United States Code (relat-*
23 *ing to classification and General Schedule pay rates), ex-*
24 *cept that no such officer or employee may receive a salary*
25 *which exceeds the salary payable to officers or employees*

1 *of the United States classified a level IV of the Executive*
2 *Schedule.*

3 (g) *EXPERTS AND CONSULTANTS.*—*The Board of Di-*
4 *rectors is authorized to procure the services of experts or*
5 *consultants, or organizations, including but not limited to*
6 *urban planners, architects, engineers, and appraisers.*

7 (h) *AUTHORITIES.*—*In exercising its powers and du-*
8 *ties, the Trust shall act in accordance with both the ap-*
9 *proved General Management Plan, as amended (hereinafter*
10 *in this Act referred to as the “Plan”) and the Act entitled*
11 *“An Act to establish the Golden Gate National Recreation*
12 *Area in the State of California, and for other purposes”,*
13 *approved October 27, 1972 (Public Law 92–589: 86 Stat.*
14 *1299; 16 U.S.C. 460bb), and have the following authorities:*

15 (1) *The Trust shall manage, maintain, improve*
16 *and repair those properties within the Presidio which*
17 *are transferred to the Trust by the Secretary.*

18 (2) *The Trust shall publish and disseminate in-*
19 *formation and make known to potential occupants, by*
20 *advertisement, solicitation, or other means, the avail-*
21 *ability of the property within the Presidio which the*
22 *Trust manages.*

23 (3) *The Trust may prepare or cause to be pre-*
24 *pared plans, specifications, designs, and estimates of*
25 *costs for the rehabilitation, improvement, alteration,*

1 *or repair of any property managed by the Trust, and*
2 *from time to time may modify such plans, specifica-*
3 *tions, designs, or estimates.*

4 *(4) The Trust may negotiate and enter into con-*
5 *tracts, including leases, cooperative agreements, or*
6 *other agreements with any person, firm, association,*
7 *organization, corporation, or governmental entity for*
8 *the occupancy of any property within the Presidio*
9 *which the Trust manages. Such leases may be entered*
10 *into without regard to section 321 of chapter 314 of*
11 *the Act of June 30, 1932 (40 U.S.C. 303b).*

12 *(5) The Trust shall establish procedures to be*
13 *used for the issuance of leases and contracts under*
14 *this Act.*

15 *(6) The Trust shall establish (through easements,*
16 *covenants, regulations, agreements, or otherwise) such*
17 *restrictions, standards, and requirements as are nec-*
18 *essary to assure the maintenance, protection, and aes-*
19 *thetic character of the property managed by the*
20 *Trust.*

21 *(7) The Trust may make commercially reason-*
22 *able loans to the occupants of property managed by*
23 *the Trust for the preservation, restoration, mainte-*
24 *nance, or repair of such property.*

1 (8) *The Trust may provide technical assistance*
2 *to the occupants of property managed by the Trust,*
3 *to assist such occupants in making repairs or im-*
4 *provements to the property or applying for loans*
5 *under paragraph (7) of this section.*

6 (9) *The Trust and the Secretary may solicit and*
7 *the Trust may accept donations of funds, property,*
8 *supplies, or services from individuals, foundations,*
9 *corporations, and other private entities, and from*
10 *public entities, for the purpose of carrying out its du-*
11 *ties. Contributions, gifts, and other transfers made to*
12 *or for the use of the Trust shall be regarded as con-*
13 *tributions, gifts or transfers to or for the use of the*
14 *United States.*

15 (10) *The Trust may retain any revenues from*
16 *leases or other agreements concerning property man-*
17 *aged by the Trust, including preexisting leases or*
18 *agreements and any donations, and use the proceeds*
19 *without further appropriation to offset any costs for*
20 *any function of the Trust authorized by this Act, ex-*
21 *cept for those moneys transferred to the Secretary as*
22 *stipulated in paragraph (11).*

23 (11) *The Secretary and the Trust shall agree on*
24 *an amount of revenues received by the Trust to be*
25 *transferred to the Secretary, to be applied by the Sec-*

1 retary, without further appropriation or offset to ap-
2 propriation, for common operating and maintenance
3 expenses at the Presidio.

4 (12) If at any time the moneys available to the
5 Trust are insufficient to enable the Trust to discharge
6 its responsibilities under this Act, the Trust may,
7 without further appropriation, issue to the Secretary
8 of the Treasury notes or other obligations in such
9 forms and denominations, bearing such maturities,
10 and subject to such terms and conditions, as may be
11 prescribed by the Secretary of the Treasury. No funds
12 appropriated to the Trust may be used for redemption
13 of such notes or obligations. Such notes or other obli-
14 gations shall bear interest at a rate determined by the
15 Secretary of the Treasury, taking into consideration
16 current market yields on outstanding marketable obli-
17 gations of the United States of comparable maturities.
18 The Secretary of the Treasury shall purchase any
19 notes or other obligations issued hereunder and for
20 that purpose the Secretary is authorized to use as a
21 public debt transaction the proceeds from the sale of
22 any securities issued under chapter 31 of title 31, the
23 United States Code, and the purposes for which secu-
24 rities may be issued under that Act are extended to
25 include any purchase of such notes or obligations ac-

1 *quired by him under this subsection. The Secretary of*
2 *the Treasury may at any time sell any notes or other*
3 *obligations acquired by him under this subsection.*
4 *The Trust may borrow money privately to carry out*
5 *the Trust's duties, obligations, and responsibilities.*

6 **(12)(A) The Trust may not (directly or**
7 **indirectly) borrow funds from any source**
8 **other than the Secretary of the Treasury**
9 **as provided in this paragraph.**

10 **(B) Except as provided in subpara-**
11 **graph (F), if at any time the funds avail-**
12 **able to the Trust are insufficient to en-**
13 **able the Trust to discharge its respon-**
14 **sibilities under this Act, the Trust may**
15 **issue obligations to the Secretary of the**
16 **Treasury, but only if the Secretary of the**
17 **Treasury agrees to purchase such obliga-**
18 **tions after determining that the projects**
19 **to be funded from the proceeds thereof**
20 **are credit worthy.**

21 **(C) The aggregate amount of obliga-**
22 **tions issued under this paragraph which**
23 **are outstanding at any one time may not**
24 **exceed \$150,000,000.**

1 **(D) Obligations issued under this**
2 **paragraph—**

3 **(i) shall be in such forms and de-**
4 **nominations, bearing such maturities,**
5 **and subject to such terms and condi-**
6 **tions, as may be prescribed by the**
7 **Secretary of the Treasury, and**

8 **(ii) shall bear interest at a rate**
9 **determined by the Secretary of the**
10 **Treasury, taking into consideration**
11 **current market yields on outstanding**
12 **marketable obligations of the United**
13 **States of comparable maturities.**

14 **(E) No funds appropriated to the**
15 **Trust may be used for repayment of prin-**
16 **cipal or interest on, or redemption of, ob-**
17 **ligations issued under this paragraph.**

18 **(F) The Secretary of the Treasury**
19 **may purchase obligations issued under**
20 **this paragraph only to the extent pro-**
21 **vided in advance in appropriation Acts.**

22 *(13) Upon the request of the Trust, the Secretary*
23 *of the Treasury shall invest excess moneys of the Trust*
24 *in public debt securities with maturities suitable to*
25 *the needs of the Trust, as determined by the Trust,*

1 *and bearing interest at rates determined by the Sec-*
2 *retary of the Treasury, taking into consideration cur-*
3 *rent market yields on outstanding marketable obliga-*
4 *tions of the United States of comparable maturity.*

5 *(14) The Trust may enter into and perform such*
6 *contracts and other transactions with any person,*
7 *firm, association, organization, corporation or gov-*
8 *ernmental entity as may be necessary or appropriate*
9 *to the conduct of activities authorized under this Act.*

10 *(15) The Trust may execute all instruments nec-*
11 *essary or appropriate in the exercise of any of its*
12 *functions under this Act, and may delegate to the Ex-*
13 *ecutive Director such of its powers and responsibil-*
14 *ities as it deems appropriate and useful for the ad-*
15 *ministration of the Trust.*

16 *(16) The Trust may obtain by purchase, rental,*
17 *donation, or otherwise, such goods and services as*
18 *may be needed to carry out its duties. In the event*
19 *of the termination of the Trust, all property and un-*
20 *expended funds shall be transferred to the Department*
21 *of the Interior, except that such funds shall only be*
22 *expended for the purposes of this Act.*

23 *(17) The Trust shall procure insurance against*
24 *any loss in connection with the properties managed*
25 *by it as is reasonable and customary; and shall pro-*

1 *cure such additional insurance for losses arising out*
2 *of any of its authorized activities as is reasonable and*
3 *customary.*

4 *(18) The Trust may sue and be sued in its name.*
5 *All litigation arising out of the activities of the Trust*
6 *shall be conducted by the Attorney General; the Trust*
7 *may retain private attorneys to provide advice and*
8 *counsel on transactional issues.*

9 *(19) The Trust may adopt, amend, and repeal*
10 *bylaws, rules, and regulations governing the manner*
11 *in which its business may be conducted and the pow-*
12 *ers vested in it may be exercised.*

13 *(20) The Trust shall have perpetual succession.*

14 *(21) The Trust shall have an official seal selected*
15 *by the Board which shall be judicially noticed.*

16 *(22) The Trust shall have all necessary and*
17 *proper powers for the exercise of the authorities in-*
18 *vested in it.*

19 *(23) For purposes of complying with section 106*
20 *of the National Historic Preservation Act, the Trust*
21 *may work directly with the National Park Service,*
22 *the State Historic Preservation Office, and the Advi-*
23 *sory Council on Historic Preservation and enter into*
24 *programmatic agreements, where appropriate.*

1 (i) *USE OF FEDERAL PERSONNEL, FACILITIES, AND*
2 *SERVICES.*—*The Secretary and the heads of other Federal*
3 *departments and agencies may provide personnel, facilities,*
4 *and other administrative services to the Trust to assist it*
5 *in carrying out its duties under this Act. Furthermore, the*
6 *Secretary and the heads of other Federal departments and*
7 *agencies may loan or donate to the Trust excess or surplus*
8 *personal property deemed necessary for the management of*
9 *the Presidio.*

10 (j) *TAXES.*—*Since the exercise of the powers granted*
11 *by this section will be in all respects for the benefit of the*
12 *people, the Trust is hereby declared to be devoted to an es-*
13 *sential public and governmental function and purpose and*
14 *shall be exempt from all taxes and special assessments of*
15 *every kind of ~~the United States~~, the State of California, and*
16 *its political subdivisions, including the City and County*
17 *of San Francisco.*

18 (k) *VOLUNTEERS.*—*The Secretary may accept, without*
19 *regard to the Civil Service classification laws, rules, or reg-*
20 *ulations, the services of the Trust, the Board, and the offi-*
21 *cers, and employees and consultants of the Board, without*
22 *compensation from the Department of the Interior, as vol-*
23 *unteers in the performance of the functions authorized here-*
24 *in, in the manner provided for under the Volunteers in the*
25 *Parks Act of 1969 (16 U.S.C. 18g et seq.).*

1 (l) *SAVINGS CLAUSE.*—Nothing in this section shall
2 preclude the Secretary from exercising any of his or her
3 lawful powers within the Presidio.

4 (m) *AFFIRMATIVE ACTION.*—The Trust shall ensure
5 that affirmative steps are taken, consistent with other Fed-
6 eral law, to afford equal access and equal opportunities for
7 leases, concessions, contracts, subcontracts, and other con-
8 tracting and employment opportunities to minorities,
9 women, and other socially and economically disadvantaged
10 individuals, commensurate with local availability.

11 (n) *FINANCIAL RECORDS.*—The financial records of
12 the Trust shall be available for inspection by the Secretary,
13 the Inspector General of the Department of the Interior, and
14 the Comptroller General at any time and shall be audited
15 by a reputable firm of certified public accountants not less
16 frequently than once each year. Such audit shall be made
17 available to the Secretary and the Congress. The Trust shall
18 be subject to the provisions of the Government Corporation
19 Control Act (31 U.S.C. 9109 et seq.), including the budget
20 and credit provisions, except that the Trust shall submit
21 its budget through and in consultation with the Secretary.

22 (o) *LEASING.*—In managing and leasing the properties
23 transferred to it, the Trust should consider the extent to
24 which prospective tenants maximize the contribution to the
25 implementation of the General Management Plan and to

1 *the generation of revenues to offset costs of the Presidio. If*
2 *the Trust has difficulty securing a tenant for a property*
3 *under its control, it may enter into negotiation with a pro-*
4 *spective tenant whose proposed use may be inconsistent*
5 *with the approved General Management Plan. The Trust*
6 *may not enter into a lease which is inconsistent with the*
7 *approved General Management Plan unless the Secretary*
8 *makes a finding that the proposed lease will not have a*
9 *detrimental effect on the natural, historical, scenic and rec-*
10 *reational values for which the Golden Gate National Recre-*
11 *ation Area was established. For major leasing actions, the*
12 *Trust shall submit the proposed lease to the Secretary of*
13 *the Interior or his designee for a period of 10 working days*
14 *for his review of the lease for consistency with the General*
15 *Management Plan. Before executing the lease, the Trust*
16 *shall consider issues of consistency raised by the Secretary*
17 *or his designee.*

18 (p) *APPLICATION OF OTHER LAWS.—(1) All general*
19 *penal statutes relating to the larceny, embezzlement, or con-*
20 *version of public moneys or property of the United States*
21 *shall apply to the moneys and property of the Trust.*

22 (2) *With respect to the public or Federal contracts for*
23 *the acquisition of goods and services, the Trust shall be ex-*
24 *empt from the following laws and attendant regulations:*

1 (A) *The Federal Property and Administrative*
2 *Services Act (40 U.S.C. 471 et seq. and 41 U.S.C.*
3 *251–260).*

4 (B) *The Office of Federal Procurement Policy*
5 *(41 U.S.C. 401 through 424).*

6 (C) *Section 111 of the Act of June 30, 1949 (40*
7 *U.S.C. 759).*

8 (D) *The Contract Disputes Act of 1978 (41*
9 *U.S.C. 601–612).*

10 (q) *GOLDEN GATE NATIONAL RECREATION AREA AD-*
11 *VISORY COMMISSION.—The Trust shall maintain liaison*
12 *with the Golden Gate National Recreation Area Advisory*
13 *Commission in matters relating to the General Management*
14 *Plan, and shall meet with the Commission at least annu-*
15 *ally.*

16 (r) *REVERSION.—In the event of failure or default, all*
17 *interests and assets of the Trust shall revert to the United*
18 *States to be administered by the Secretary.*

19 (s) *REPORT.—The Trust shall transmit to the Sec-*
20 *retary and the Congress, annually each January, a com-*
21 *prehensive and detailed report of its operations, activities,*
22 *and accomplishments for the prior fiscal year. The report*
23 *also shall include a section that describes, in general terms,*
24 *the Trust’s goals for the current fiscal year. The portion*
25 *of the report containing the audited financial statement*

1 *may be submitted at a later date, but no later than the*
2 *first day of March of such year.*

3 (t) *AUTHORIZATION OF APPROPRIATIONS FOR PRE-*
4 *SIDIO.—For purposes of the Presidio, including the Presidio*
5 *Trust, there is authorized to be appropriated to the Sec-*
6 *retary such sums as may be necessary, but the aggregate*
7 *of funds appropriated for purposes of the Presidio under*
8 *this subsection and under the Act entitled “An Act to estab-*
9 *lish the Golden Gate National Recreation Area in the State*
10 *of California, and for other purposes”, approved October*
11 *27, 1972 (Public Law 92–589; 86 Stat. 1299; 16 U.S.C.*
12 *460bb) may not exceed \$25,000,000 in any one fiscal year.*
13 *Funds appropriated under this Act (other than funds ap-*
14 *propriated for operations) remain available until expended.*

15 (u) *SEPARABILITY OF PROVISIONS.—If any provisions*
16 *of this Act or the application thereof to any body, agency,*
17 *situation, or circumstance is held invalid, the remainder*
18 *of the Act and the application of such provision to other*
19 *bodies, agencies, situations, or circumstances shall not be*
20 *affected thereby.*

21 (v) *The provisions of the Act of March 3, 1931 (40*
22 *U.S.C. 276a et seq.; commonly known as the Davis-Bacon*
23 *Act), and the provisions of the Service Contract Act of 1965*
24 *(41 U.S.C. 351 et seq.), shall apply to the Corporation. All*
25 *laborers and mechanics employed on the construction, reha-*

1 *bilitation, reconstruction, alteration, or repair of projects*
2 *funded in whole or in part by the Corporation and projects*
3 *financed in whole or in part by loans, grants, loan guaran-*
4 *tees, or any other assistance by the Corporation shall be*
5 *paid wages at rates not less than those prevailing on*
6 *projects of a similar character in the locality as determined*
7 *by the Secretary of Labor in accordance with the Act of*
8 *March 3, 1931 (40 U.S.C. 276a et seq.; commonly known*
9 *as the Davis-Bacon Act). The Secretary of Labor shall have,*
10 *with respect to the labor standards specified in this section,*
11 *the authority and functions set forth in Reorganization*
12 *Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267)*
13 *and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).*

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