

103D CONGRESS
2D SESSION

H. R. 4078

To amend the Act establishing the Golden Gate National Recreation Area,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 1994

Mr. DUNCAN (for himself, Mr. CALVERT, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. DORNAN, Mr. GALLEGLY, Mr. KIM, Mr. POMBO, Mr. ROHRABACHER, Mr. ANDREWS of New Jersey, Ms. DANNER, Mr. PENNY, Mr. PETERSON of Minnesota, Mr. POSHARD, Mr. ALLARD, Mr. ARMEY, Mr. BACHUS of Alabama, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. BATEMAN, Mr. BOEHNER, Mr. BURTON of Indiana, Mr. BUYER, Mr. CANADY, Mr. CRANE, Ms. DUNN, Mr. EWING, Mr. FAWELL, Mr. GILLMOR, Mr. GINGRICH, Mr. GOODLING, Mr. GUNDERSON, Mr. HANCOCK, Mr. HANSEN, Mr. HEFLEY, Mr. HOBSON, Mr. INGLIS of South Carolina, Mr. INHOFE, Mr. KLUG, Mr. KYL, Mr. LAZIO, Mr. LEWIS of Florida, Mr. MCCANDLESS, Mr. MCINNIS, Mr. MICHEL, Mr. MILLER of Florida, Mr. OXLEY, Mr. PAXON, Mr. PORTMAN, Mr. QUILLEN, Mr. ROBERTS, Mr. SHAYS, Mr. SMITH of Oregon, Mr. SMITH of Texas, Mr. SOLOMON, Mr. STEARNS, Mr. SUNDQUIST, Mr. TAYLOR of North Carolina, Mr. THOMAS of Wyoming, Mrs. VUCANOVICH, Mr. WALSH, Mr. YOUNG of Alaska, Mr. ZELIFF, and Mr. ZIMMER) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Act establishing the Golden Gate National
Recreation Area, 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,*

1 **TITLE I—GOLDEN GATE**
2 **NATIONAL RECREATION AREA**

3 **SEC. 101. AMENDMENTS.**

4 (a) STATEMENT OF PURPOSES.—Section 1 of the Act
5 approved October 27, 1972, entitled “An Act to establish
6 the Golden Gate National Recreation Area in the State
7 of California, and for other purposes” (86 Stat. 1299; 16
8 U.S.C. 460bb), is amended by inserting “, San Mateo,”
9 after “Marin”.

10 (b) INTERIM AUTHORITY.—Section 4 of such Act (16
11 U.S.C. 460bb–3) is amended by adding at the end the fol-
12 lowing:

13 “(g) INTERIM AUTHORITY.—(1) In addition to other
14 available authorities, the Secretary may, in his discretion,
15 negotiate and enter into leases, as appropriate, with any
16 person, firm, association, organization, corporation or gov-
17 ernment entity for the use of any property within the Pre-
18 sidio, except such properties which the Secretary of De-
19 fense determines are essential for the continued use of the
20 Presidio by the 6th Army.

21 “(2) The Secretary may further, in his discretion, ne-
22 gotiate and enter into leases or other appropriate agree-
23 ments with any Federal agency or organization to house
24 that agency’s or organization’s employees engaged in ac-
25 tivities or programs at the Presidio.

1 “(3) Any leases entered into under this subsection
2 shall be subject to such procedures, terms, conditions, and
3 restrictions as the Secretary deems necessary. Leases shall
4 be entered into at fair market value, except with respect
5 to interagency permitting agreements entered into be-
6 tween the Secretary and the Secretary of Defense. The
7 Secretary of Defense shall only be responsible for paying
8 to the Secretary of the Interior its fair share of common
9 annual operating expenses for the Presidio. The Secretary
10 of the Interior may adjust the rental by taking into ac-
11 count any amounts expended by the lessee for the restora-
12 tion or improvement of the leased properties.

13 “(4) The Secretary shall establish competitive bid-
14 ding procedures to be used for the issuance of leases under
15 this section. The Secretary may waive section 321 of chap-
16 ter 314 of the Act of June 30, 1932 (40 U.S.C. 303b)
17 with respect to the leasing of Federal properties if the Sec-
18 retary determines that such waiver is necessary to carry
19 out the purposes of this Act.

20 “(5) The proceeds from leases under this subsection,
21 and from concession and other use authorizations shall be
22 retained by the Secretary and used to defray the costs of
23 preservation, restoration, operation and maintenance, im-
24 provement, repair and related expenses including adminis-
25 tration of the above, incurred by the Secretary with re-

1 spect to Presidio properties, with the balance used to de-
2 fray other costs incurred by the Secretary in the adminis-
3 tration of the Presidio. The authority of this paragraph
4 shall only remain in effect for 2 years, unless the city of
5 San Francisco provides necessary zoning to ensure full im-
6 plementation of title II of this Act. If the City of San
7 Francisco provides the necessary zoning, such authority
8 shall expire upon establishment of the “Presidio Public
9 Benefit Corporation” or 5 years from the date of enact-
10 ment of this Act, whichever occurs first.

11 “(6) Each lessee and sub lessee of a lease entered
12 into under this subsection shall keep such records as the
13 Secretary may prescribe to enable the Secretary to deter-
14 mine that all terms of the lease or sublease have been and
15 are being faithfully performed. The Secretary and his duly
16 authorized representatives shall, for the purpose of audit
17 and examination, have access to all records and to their
18 books, documents, and papers of the lessee and sub lessee
19 pertinent to the lease or sublease and all the terms and
20 conditions thereof.

21 “(h) PRESIDIO.—The Secretary shall transfer those
22 lands identified on the map entitled ‘Presidio Public Bene-
23 fit Corporation Lands’, numbered PRES–1 and dated No-
24 vember 1993 to the ‘Presidio Public Benefit Corporation’
25 established in title II of the Act entitled “An Act to amend

1 the Act establishing the Golden Gate National Recreation
2 Area and for other purposes”, approved -----, 1993.”.

3 **TITLE II—PRESIDIO PUBLIC**
4 **BENEFIT CORPORATION**

5 **SEC. 201. FINDINGS.**

6 The Congress finds that:

7 (1) The Presidio contains numerous outstand-
8 ing, historic resources which formed the basis for
9 designation of the Presidio as a national historic
10 landmark and which should continue to be pre-
11 served.

12 (2) The Presidio includes some lands which
13 offer outstanding outdoor recreation opportunities,
14 which form a logical addition to the 73,000-acre
15 Golden Gate National Recreation Area in the San
16 Francisco Bay area.

17 (3) House Report 92–1391, which accompanied
18 legislation establishing Golden Gate National Recre-
19 ation Area states the clear intent of Congress that
20 National Park Service management should be lim-
21 ited to the open space within the Presidio, not the
22 entire parcel of land.

23 (4) The National Park Service has issued an
24 environmental impact statement for converting the

1 Presidio into a park, which the General Accounting
2 Office has found could cost \$1,200,000,000 or more.

3 (5) The National Park Service currently faces
4 a backlog of \$5,600,000,000 for construction
5 projects (37 years at existing funding levels) and an
6 operational shortfall of hundreds of millions of dol-
7 lars and cannot afford to take on a new project of
8 this magnitude without seriously jeopardizing fund-
9 ing for other areas currently managed by the Na-
10 tional Park Service.

11 (6) The best way to preserve the historic values
12 and public open space opportunities at Presidio as
13 well as ensure its economic success is to reduce the
14 role of the National Park Service to those functions
15 for which it is best suited and maximize the auton-
16 omy of a public benefit corporation designed to oper-
17 ate buildings and facilities which are not of direct
18 government interest.

19 (7) The public benefit corporation can be fund-
20 ed up-front through a sale of certain lands and fa-
21 cilities such that no additional taxpayers funds will
22 be required for preservation of the Presidio.

1 **SEC. 202. ESTABLISHMENT OF PRESIDIO PUBLIC BENEFIT**
2 **CORPORATION.**

3 (a) ESTABLISHMENT.—The President is hereby au-
4 thorized to establish a body corporate to be known as the
5 “Presidio Public Benefit Corporation” (hereinafter re-
6 ferred to as the “Corporation”). The Corporation shall
7 only be established if and when the city of San Francisco
8 makes zoning decisions as specified in subsections (b) and
9 (c) of section 204 of this Act.

10 (b) TRANSFER.—The Secretary shall transfer all
11 lands, facilities, and interests in land as identified on a
12 map entitled “Presidio Public Benefit Corporation Land”,
13 numbered PRES-1 and dated November 1993 to the
14 “Presidio Public Benefit Corporation”.

15 **SEC. 203. BOARD OF DIRECTORS.**

16 (a) IN GENERAL.—(1) The powers and management
17 of the Corporation shall be vested in a Board of Directors
18 consisting of members, as follows:

19 (A) The Director of the National Park Service.

20 (B) Secretary of the Army.

21 (C) Secretary of Transportation.

22 (D) Chairperson, Golden Gate National Park
23 Association.

24 (E) The Mayor of the city of San Francisco.

25 (F) Two members to be appointed by the Presi-
26 dent from recommendations by the Speaker of the

1 House of Representatives and the majority leader of
2 the Senate, with national visibility and knowledge
3 and experience in one or more of the fields of envi-
4 ronmental studies, city planning, finance, real estate,
5 engineering, or management.

6 (G) Two individuals to be appointed by the
7 President who shall be residents of, and who shall
8 be registered voters in, the city and county of San
9 Francisco with knowledge and experience in city
10 planning, finance, and real estate.

11 (2) The President shall further appoint 2 nonvoting
12 members, to include—

13 (A) the Chairman of the Golden Gate National
14 Recreation Area Advisory Commission; and

15 (B) a representative from among the entities
16 occupying property at the Presidio.

17 Each member of the Board of Directors specified in sub-
18 paragraphs (A) through (C) of paragraph (1) may, at the
19 time of appointment, designate (through written notice)
20 an alternate senior official of his department or agency
21 who may serve on the Board in his stead.

22 (b) TERMS OF BOARD MEMBERS.—Each member of
23 the Board of Directors appointed under subparagraphs
24 (F) and (G) of subsection (a)(1) shall serve for a term
25 of 4 years from the expiration of his predecessor's term;

1 except that the President in making the initial appoint-
2 ments to the Board under subparagraph (G), shall appoint
3 one Director to a term of 2 years and one Director to
4 a term of 3 years. Any vacancy on the Board of Directors
5 shall be filled in the same manner in which the original
6 appointment was made, and any member appointed to fill
7 a vacancy shall serve for the remainder of the term for
8 which his predecessor was appointed. Any member may
9 continue to serve after the expiration of his term until his
10 successor is appointed. No appointed director may serve
11 more than 12 years in consecutive terms.

12 (c) ORGANIZATION AND COMPENSATION.—(1) The
13 Board of Directors shall elect a Chairman and a Vice
14 Chairman from among the members of the Board of Di-
15 rectors.

16 (2) Members of the Board of Directors shall serve
17 without pay, but may be reimbursed for the actual and
18 necessary traveling and subsistence expenses incurred by
19 them in the performance of the duties of the Corporation.

20 (3) The Board of Directors shall meet at the call of
21 the Chairman, who shall require it to meet not less often
22 than once every 3 months. A majority of the members of
23 the Board of Directors (or their designated alternates)
24 shall constitute a quorum.

1 **SEC. 204. STAFFING FOR THE CORPORATION.**

2 (a) IN GENERAL.—The Board of Directors shall have
3 the power to appoint and fix the compensation and duties
4 of an Executive Director and such other officers and em-
5 ployees of the Corporation as may be necessary for the
6 efficient administration of the Corporation. Officers and
7 employees of the Corporation may be appointed and com-
8 pensated without regard to the provisions of title 5 of the
9 United States Code governing appointments in the com-
10 petitive service, and may be paid without regard to the
11 provisions of chapter 51, and subchapter III of chapter
12 53, of title 5 of the United States Code (relating to classi-
13 fication and General Schedule pay rates).

14 (b) EXPERTS AND CONSULTANTS.—The Board of Di-
15 rectors is authorized to procure the services of experts or
16 consultants, or organizations, including but not limited to
17 urban planners, architects, engineers and appraisers.

18 **SEC. 205. SPECIFIC DUTIES AND AUTHORITIES.**

19 (a) AUTHORITIES.—In exercising its powers and du-
20 ties, the Corporation shall have the following duties and
21 authorities:

22 (1) The Corporation shall manage, maintain,
23 and repair those properties within the Presidio
24 which are transferred to it by the Secretary of the
25 Interior. Any actions taken by the Corporation shall
26 fully recognize the values of the Presidio which have

1 contributed to its designation as a national historic
2 landmark.

3 (2) The Corporation shall make available to the
4 Secretary of Defense such lands and facilities as are
5 essential to the continued presence of the 6th Army
6 at the Presidio. The Army shall pay to the Corpora-
7 tion an annual payment to cover its portion of com-
8 mon Presidio annual operating expenses.

9 (3) The Corporation shall publish and dissemi-
10 nate information and make known to potential occu-
11 pants, by advertisement, solicitation, or other means,
12 the availability of the property within the Presidio
13 managed by the Corporation.

14 (4) The Corporation may prepare or cause to be
15 prepared plans, specifications, designs, and esti-
16 mates of costs for the rehabilitation (including
17 adaptive reuse), preservation, restoration, improve-
18 ment, alteration, or repair of any property within
19 the area it administers, and from time to time may
20 modify such plans, specifications, designs, or esti-
21 mates, and may implement these plans.

22 (5) The Corporation may enter into contracts,
23 including leases, cooperative agreements, or other
24 agreements with any person, firm, association, orga-
25 nization, corporation, or government entity, for the

1 occupancy of any property within the Presidio which
2 the Corporation manages. In selecting occupants,
3 the Corporation shall give priority consideration to
4 occupants similar to those identified in the National
5 Park Service Presidio plan dated October 1993. All
6 proceeds received by the Corporation from the leas-
7 ing of properties managed by the Corporation within
8 the Presidio shall be retained by the Corporation
9 and used to defray the costs of administration, pres-
10 ervation, restoration, operation and maintenance, re-
11 pair, and related expenses incurred by the Corpora-
12 tion with respect to such properties.

13 (6) The Corporation shall establish competitive
14 bidding procedures to be used for the issuance of
15 leases and contracts under this Act.

16 (7) The Corporation shall establish (through
17 covenants, regulations, agreements, or otherwise)
18 such restrictions, standards, and requirements as
19 are necessary to assure maintenance and protection
20 of the property transferred to the Corporation.

21 (8) The Corporation may make loans to the oc-
22 cupants of property transferred to the Corporation,
23 for the preservation, restoration, maintenance, or re-
24 pair of such property in a manner consistent with
25 standards and criteria established by the Secretary.

1 (9) The Corporation may provide technical as-
2 sistance to the occupants of property transferred to
3 the Corporation, to assist such occupants in making
4 repairs or improvements to the property or applying
5 for loans under paragraph (8).

6 (10) The Corporation may solicit and accept
7 donations of funds, property, supplies, or services
8 from individuals, foundations, corporations, and
9 other private entities, and from public entities, for
10 the purpose of carrying out its duties.

11 (11) The Corporation may retain any revenues
12 from leases or other agreements concerning property
13 transferred to the Corporation, and any donations,
14 and use the proceeds for any function of the Cor-
15 poration authorized by this Act.

16 (12) The Corporation may borrow money pri-
17 vately to carry out the Corporation's duties, obliga-
18 tions and responsibilities. In connection with such
19 borrowing, the Corporation may issue evidence of in-
20 debtedness and may provide collateral to secure such
21 indebtedness (including, without limitation, a mort-
22 gage or pledge of the Corporation's interest in reve-
23 nues or the leasehold in property transferred by the
24 Secretary to the Corporation). The Corporation may
25 also borrow money from the Treasury of the United

1 States, in such amounts as may be authorized in ap-
2 propriations acts, to carry out the Corporation's du-
3 ties and responsibilities. Such borrowings from the
4 Treasury shall have such maturities, terms, and con-
5 ditions as may be agreed upon by the Corporation
6 and the Secretary of the Treasury and may be re-
7 deemable at the option of the Corporation before
8 maturity.

9 (13) The Corporation may invest any funds not
10 required for immediate use or disbursement, with
11 the approval of the Secretary of the Treasury, in ob-
12 ligations of the United States Government, or obli-
13 gations the principal and interest of which are guar-
14 anteed by the United States Government: *Provided*,
15 That this authority shall not extend to moneys ob-
16 tained from the Government.

17 (14) The Corporation may, without regard to
18 Federal procurement laws and regulations, enter
19 into and perform such contracts and other trans-
20 actions with any public agencies and private organi-
21 zations and persons (including agreements with pri-
22 vate utility companies with respect to the relocation
23 of utility lines and other facilities within properties
24 transferred to the Corporation), as may be necessary

1 or appropriate to the conduct of activities authorized
2 under this Act.

3 (15) The Corporation may, without regard to
4 Federal procurement laws and regulations, obtain by
5 purchase, rental, donation, or otherwise, such goods
6 and services as may be needed to carry out its du-
7 ties.

8 (16) The Corporation shall ensure the existence
9 of adequate insurance to cover any loss in connec-
10 tion with the properties it manages.

11 (17) The Corporation may sue and be sued in
12 its name, except that the Directors of the Board
13 shall not be personally liable for negligence other
14 than gross negligence.

15 (18) The Corporation may adopt, amend, and
16 repeal bylaws, rules, and regulations governing the
17 manner in which its business may be conducted and
18 the powers vested in it may be exercised.

19 (19) The Corporation shall have perpetual suc-
20 cession.

21 (20) The Corporation shall have an official seal
22 selected by the Board which shall be judicially no-
23 ticed.

24 (21) The Corporation may execute all instru-
25 ments necessary or appropriate in the exercise of

1 any of its functions under this Act, and may dele-
2 gate to the Executive Director such of its powers
3 and responsibilities as it deems appropriate and use-
4 ful for the administration of the Corporation.

5 (22) The Corporation shall have all necessary
6 and proper powers for the exercise of the authorities
7 vested in it.

8 (b) PUBLIC HEALTH SERVICE HOSPITAL.—(1) The
9 Public Health Service Hospital and surrounding 36 acres
10 are hereby transferred to the administrative jurisdiction
11 of the Corporation.

12 (2) The Corporation is directed to sell the Public
13 Health Service Hospital and adjacent golf course and is
14 authorized to retain all revenues from this sale and to use
15 the proceeds for any function of the Corporation author-
16 ized by this Act. This sale may only be conducted after
17 such time that the city of San Francisco provides zoning
18 approval which shall be limited to a private golf course
19 and club house complex to be located on these lands.

20 (c) LETTERMAN COMPLEX.—The Corporation is di-
21 rected to sell, at fair market value, the Letterman Army
22 Institute of Research, Letterman Army Medical Center,
23 and such other buildings and lands in the Letterman com-
24 plex as are necessary to conduct scientific research or edu-
25 cation programs pertaining to human health to the Uni-

1 versity of California at San Francisco. The Corporation
2 is authorized to retain all revenues from this sale and to
3 use the proceeds for any function of the Corporation au-
4 thorized by this Act. This sale may only be conducted after
5 such time that the city of San Francisco provides zoning
6 approval for this human health research complex. The use
7 of these lands and facilities shall conform to proposals in-
8 cluded in the National Park Service plan dated October
9 1993.

10 **SEC. 206. USE OF FEDERAL PERSONNEL, FACILITIES, AND**
11 **SERVICES.**

12 The Secretary or other Cabinet officers may provide
13 personnel, facilities, and other administrative services to
14 the Corporation to assist it in carrying out its duties under
15 this Act, and may accept reimbursement therefor.

16 **SEC. 207. TAXES.**

17 Since the exercise of the powers granted by this Act
18 will be in all respects for the benefit of the people, the
19 Corporation is hereby declared to be devoted to an essen-
20 tial public and governmental function and purpose and
21 shall be exempt from all taxes and special assessments of
22 every kind of the United States.

23 **SEC. 208. APPLICATION OF OTHER LAWS.**

24 All general penal statutes relating to the larceny, em-
25 bezzlement, or conversion of public moneys or property of

1 the United States shall apply to the moneys and property
2 of the Corporation. The Corporation shall be subject to
3 chapter 5 of title V, United States Code (relating to ad-
4 ministrative procedures and freedom of information).

5 **SEC. 209. REPORT AND FINANCIAL RECORDS.**

6 The Corporation shall transmit to the Congress, as
7 part of the annual budget process, a comprehensive and
8 detailed report of its operations, activities, and accom-
9 plishments under this section. This report shall include a
10 plan of activities and projects for the next fiscal year. The
11 financial records of the Corporation shall be audited by
12 a reputable firm of certified public accountants not less
13 frequently than once a year.

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