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2<sup>D</sup> SESSION

# H. R. 5231

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IN THE SENATE OF THE UNITED STATES

OCTOBER 7 (legislative day, SEPTEMBER 12), 1994

Received

OCTOBER 8 (legislative day, SEPTEMBER 12), 1994

Read twice and referred to the Committee on Energy and Natural Resources

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## AN ACT

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  
6 amidst the incomparable scenic splendor of the Gold-  
7 en Gate, is one of America's great natural and his-  
8 toric sites;

1           (2) the Presidio is the oldest continually operat-  
2           ing military post in the Nation dating from 1776,  
3           and was designated as a National Historic Land-  
4           mark in 1962;

5           (3) preservation of the cultural and historic in-  
6           tegrity of the Presidio for public use would give due  
7           recognition to its significant role in the history of  
8           the United States;

9           (4) the Presidio in its entirety will transfer to  
10          the jurisdiction of the National Park Service on Sep-  
11          tember 30, 1994, in accordance with Public Law  
12          92-589;

13          (5) as part of the Golden Gate National Recre-  
14          ation Area, the Presidio's outstanding natural, his-  
15          toric, scenic, cultural and recreational resources  
16          must be managed in a manner which is consistent  
17          with sound principles of land use planning and man-  
18          agement, and which protect the Presidio from devel-  
19          opment and uses which would destroy the scenic  
20          beauty and natural character of the area;

21          (6) activities and management at the Presidio  
22          must be consistent with both the Act establishing  
23          the Golden Gate National Recreation Area (Public  
24          Law 92-589) and the General Management Plan for

1 the Golden Gate National Recreation Area, as  
2 amended;

3 (7) the Presidio will be a global center dedi-  
4 cated to addressing the world's most critical environ-  
5 mental, social, and cultural challenges and a working  
6 laboratory at which models of environmental sustain-  
7 ability shall be developed;

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

14 (9) the Presidio will be managed in an innova-  
15 tive public/private partnership that minimizes cost to  
16 the United States Treasury and makes efficient use  
17 of private sector resources that could be utilized in  
18 the public interest.

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

21 (a) STATEMENT OF PURPOSES.—Section 1 of the Act  
22 entitled “An Act to establish the Golden Gate National  
23 Recreation Area in the State of California, and for other  
24 purposes”, approved October 27, 1972 (Public Law 92–  
25 589; 86 Stat. 1299; 16 U.S.C. 460bb), is amended by in-

1 serting the following after the second sentence: “In addi-  
2 tion, the Secretary may utilize the resources of the Pre-  
3 sidio of San Francisco to provide for and support pro-  
4 grams and activities that foster research, education or  
5 demonstration projects, and relate to the environment, en-  
6 ergy, transportation, international affairs, arts and cul-  
7 tural understanding, health and science.”.

8 (b) ADMINISTRATION.—Section 4 of such Act is  
9 amended by adding the following new subsection at the  
10 end thereof:

11 “(g) INTERIM AUTHORITY.—(1) In addition to other  
12 available authorities, the Secretary may, in his discretion,  
13 negotiate and enter into leases, as appropriate, with any  
14 person, firm, association, organization, corporation or gov-  
15 ernmental entity for the use of any property within the  
16 Presidio in accordance with the General Management Plan  
17 and any of the purposes set forth in section 1 of this Act.

18 “(2) In addition to other available authorities, the  
19 Secretary may, in his discretion, enter into—

20 “(A) interagency permitting agreements or  
21 other appropriate agreements with the Secretary of  
22 Defense and the Director of the Federal Emergency  
23 Management Agency, and

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

1       “(3) Any leases or other appropriate agreements en-  
2       tered into under this subsection shall be subject to such  
3       procedures, terms, conditions and restrictions as the Sec-  
4       retary deems necessary. The Secretary is authorized to ne-  
5       gotiate and enter into leases or other agreements, at fair  
6       market value and without regard to section 321 of chapter  
7       314 of the Act of June 30, 1932 (40 U.S.C. 303b), fair  
8       market value shall take into account the uses permitted  
9       by the General Management Plan and this Act. The pre-  
10      ceding sentence shall not apply to any interagency permit-  
11      ting agreement entered into between the Secretary and the  
12      Secretary of Defense regarding the housing of activities  
13      and employees of the Sixth United States Army. For pur-  
14      poses of any such lease or other agreements, the Secretary  
15      may adjust the rental by taking into account any amounts  
16      to be expended by the lessee for preservation, mainte-  
17      nance, restoration, improvement, repair and related ex-  
18      penses with respect to the leased properties.

19      “(4) The proceeds from leases under this subsection,  
20      and from concession and other use authorizations and  
21      from other services that may be provided by the recreation  
22      area under this subsection shall be retained by the Sec-  
23      retary for 5 years after the date of enactment of this para-  
24      graph or until the leased property is transferred to the  
25      Presidio Trust and shall be available without further ap-

1 appropriation and used to offset the costs of preservation,  
2 restoration, maintenance, improvement, repair and related  
3 expenses including administration of the above, incurred  
4 by the Secretary with respect to Presidio properties, with  
5 the balance used to offset other costs incurred by the Sec-  
6 retary in the administration of the Presidio.

7       “(5) Each lessee of a lease entered into under this  
8 subsection shall keep such records as the Secretary may  
9 prescribe to enable the Secretary to determine that all  
10 terms of the lease have been and are being faithfully per-  
11 formed. The Secretary and the Comptroller General and  
12 their duly authorized representatives shall, for the purpose  
13 of audit and examination, have access to financial records  
14 pertinent to the lease and all the terms and conditions  
15 thereof.

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

19       “(7) In addition to other available authorities, the  
20 Secretary may, in his discretion, enter into cooperative  
21 agreements and permits for any of the purposes of the  
22 recreation area set out in section 1 of this Act.”.

23 **SEC. 3. THE PRESIDIO TRUST.**

24       (a) ESTABLISHMENT.—There is established within  
25 the Department of the Interior a non-profit public benefit

1 government corporation to be known as the Presidio Trust  
2 (hereinafter in this Act referred to as the “Trust”). The  
3 Trust shall manage, in accordance with the purposes set  
4 forth in section 1 of the Act entitled “An Act to establish  
5 the Golden Gate National Recreation Area in the State  
6 of California, and for other purposes”, approved October  
7 27, 1972 (Public Law 92–589; 86 Stat. 1299; 16 U.S.C.  
8 460bb), and with this Act, the leasing, maintenance, reha-  
9 bilitation, repair and improvement of property within the  
10 Presidio which is transferred to the Trust by the Secretary  
11 of the Interior (hereinafter in this Act referred to as the  
12 “Secretary”). The Trust may participate in the develop-  
13 ment of programs and activities at the properties that  
14 have been transferred to the Trust.

15 (b) TRANSFER.—Except as provided in this sub-  
16 section, the Secretary shall transfer to the Trust, under  
17 such terms and conditions as the Secretary deems appro-  
18 priate, a leasehold in the following properties within the  
19 Presidio under the control of the Secretary: the  
20 Letterman-LAIR complex, Fort Scott, Main Post, Cavalry  
21 Stables, Presidio Hill, Wherry Housing, East Housing, the  
22 structures at Crissy Field, and such other properties,  
23 within the Presidio as the Secretary and the Trust deems  
24 appropriate. Any such property shall be transferred within  
25 60 days after a request is made by the Trust. The lease-

1 hold shall be of sufficient term to enable the Trust to ob-  
2 tain necessary and beneficial financing arrangements and  
3 to carry out the purposes of this Act. The Secretary may  
4 withhold transfer to the Trust of any buildings necessary  
5 to house or support activities of the National Park Service.  
6 The Secretary may not transfer to the Trust any property  
7 irrevocably permitted to the Department of Army. The  
8 Secretary shall transfer, with any transferred property, all  
9 leases, concessions, licenses and other agreements affect-  
10 ing such transferred property. The Secretary may transfer  
11 any properties within the Presidio to the Trust not re-  
12 quested by the Trust subject to terms and conditions mu-  
13 tually agreed to by the Secretary and the Trust. All pro-  
14 ceeds received by the Presidio Trust from the leasing of  
15 properties managed by the Trust within the Presidio shall  
16 be retained by the Trust without further appropriation  
17 and used to offset the costs of administration, preserva-  
18 tion, restoration, operation, maintenance, repair, and re-  
19 lated expenses incurred by the Trust with respect to such  
20 properties.

21 (c) BOARD OF DIRECTORS.—(1) The powers and  
22 management of the Trust shall be vested in a Board of  
23 Directors consisting of 13 members, as follows:

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

25 (B) Secretary of the Army.



1 (C) Administrator of the Environmental Protec-  
2 tion Agency.

3 (D) Ten individuals, who are not employees of  
4 the Federal Government, appointed by the Secretary  
5 within 6 months after the date of the enactment of  
6 this Act, 6 of whom shall have knowledge and expe-  
7 rience in one or more of the fields of the environ-  
8 ment, energy, transportation, international affairs,  
9 health, science, education, or any other such field re-  
10 lated to the activities at the Presidio; 4 of whom  
11 shall have knowledge and experience in one or more  
12 of the fields of city planning, finance, real estate,  
13 labor or historic preservation. With respect to the 10  
14 individuals, 5 shall meet the additional requirement  
15 of possessing extensive knowledge of the region in  
16 which the Presidio is located.

17 Each member of the Board of Directors specified in sub-  
18 paragraphs (A) through (C) paragraph (1) may designate  
19 (through written notice to the Secretary and Chairman of  
20 the Board) an alternative senior official (classified as Sen-  
21 ior Executive Service) of his or her department or agency  
22 who may serve on the Board in his or her stead. The Sec-  
23 retary of the Army shall serve on the Board until such  
24 time as the Sixth Army Headquarters ceases to maintain  
25 a presence at the Presidio. In such an event, the Secretary

1 of Energy shall replace the Secretary of the Army on the  
2 Board.

3 (d) TERMS OF BOARD MEMBERS.—Each member of  
4 the Board of Directors appointed under subparagraph (D)  
5 of subsection (c)(1) shall serve for a term of 5 years from  
6 the expiration of his or her predecessor's term; except that  
7 the Secretary, in making the initial appointments to the  
8 Board under subparagraph (D), shall appoint 3 Directors  
9 to a term of 2 years and 3 Directors to a term of 3 years.  
10 Any vacancy on the Board of Directors shall be filled in  
11 the same manner in which the original appointment was  
12 made, and any member appointed to fill a vacancy shall  
13 serve for the remainder of the term for which his or her  
14 predecessor was appointed. Each member shall continue  
15 to serve after the expiration of his or her term until his  
16 or her successor is appointed. No appointed director may  
17 serve more than 10 years in consecutive terms.

18 (e) ORGANIZATION AND COMPENSATION.—(1) The  
19 Board of Directors shall elect at the initial meeting a  
20 Chairman and a Vice Chairman from among the members  
21 of the Board of Directors. The Director of the National  
22 Park Service shall serve as Chairman until such time as  
23 the Board holds such election.

24 (2) The Board of Directors may establish an Execu-  
25 tive Committee within the Board and other such commit-

1 tees within the Board as it deems appropriate, and dele-  
2 gate such powers to such committees as the Board deter-  
3 mines appropriate to carry out its functions and duties.  
4 Any such committees established by the Board may meet  
5 and take action on behalf of the Board between meetings  
6 to the extent the Board delegates such authority. Delega-  
7 tions to such committees shall not relieve the Board of  
8 full responsibility for the carrying out of its functions and  
9 duties, and shall be revocable by the Board in its exclusive  
10 judgment.

11 (3) Members of the Board of Directors shall serve  
12 without pay, but may be reimbursed for the actual and  
13 necessary traveling and subsistence expenses incurred by  
14 them in the performance of the duties of the Trust.

15 (4) The Board of Directors shall meet at the call of  
16 the Chairman, who shall require it to meet not less often  
17 than once every 6 months. A majority of the members of  
18 the Board of Directors (or their designated alternates)  
19 shall constitute a quorum. The Board shall hold at least  
20 one public meeting per year at the Presidio at which time  
21 the Board shall report on its operations, accomplishments  
22 and goals for the upcoming year.

23 (5) Members of the Board of Directors shall not be  
24 considered Federal employees by virtue of their member-

1 ship on the Board, except for purposes of the Federal Tort  
2 Claims Act and other statutes defining legal liability.

3 (f) STAFF.—The Board of Directors shall have the  
4 power to appoint and fix the compensation and duties of  
5 an Executive Director and such other officers and employ-  
6 ees of the Trust as may be necessary for the efficient ad-  
7 ministration of the Trust. Officers and employees of the  
8 Trust may be appointed and compensated without regard  
9 to the provisions of title 5, United States Code, governing  
10 appointments in the competitive service, and may be paid  
11 without regard to the provisions of chapter 51, and sub-  
12 chapter III of chapter 53, title 5, United States Code (re-  
13 lating to classification and General Schedule pay rates),  
14 except that no such officer or employee may receive a sal-  
15 ary which exceeds the salary payable to officers or employ-  
16 ees of the United States classified a level IV of the Execu-  
17 tive Schedule.

18 (g) EXPERTS AND CONSULTANTS.—The Board of Di-  
19 rectors is authorized to procure the services of experts or  
20 consultants, or organizations, including but not limited to  
21 urban planners, architects, engineers, and appraisers.

22 (h) AUTHORITIES.—In exercising its powers and du-  
23 ties, the Trust shall act in accordance with both the ap-  
24 proved General Management Plan, as amended (herein-  
25 after in this Act referred to as the “Plan”) and the Act

1 entitled “An Act to establish the Golden Gate National  
2 Recreation Area in the State of California, and for other  
3 purposes”, approved October 27, 1972 (Public Law 92–  
4 589: 86 Stat. 1299; 16 U.S.C. 460bb), and have the fol-  
5 lowing authorities:

6           (1) The Trust shall manage, maintain, improve  
7 and repair those properties within the Presidio  
8 which are transferred to the Trust by the Secretary.

9           (2) The Trust shall publish and disseminate in-  
10 formation and make known to potential occupants,  
11 by advertisement, solicitation, or other means, the  
12 availability of the property within the Presidio which  
13 the Trust manages.

14           (3) The Trust may prepare or cause to be pre-  
15 pared plans, specifications, designs, and estimates of  
16 costs for the rehabilitation, improvement, alteration,  
17 or repair of any property managed by the Trust, and  
18 from time to time may modify such plans, specifica-  
19 tions, designs, or estimates.

20           (4)(A) The Trust may negotiate and enter into  
21 agreements, including contracts, leases, and coopera-  
22 tive agreements, with any person including any gov-  
23 ernmental entity) for the occupancy of any property  
24 within the Presidio which the Trust manages.

1 (B) Agreements under this paragraph shall be  
2 subject to procedures established by the Secretary  
3 under paragraph (5).

4 (C) Agreements under this paragraph may be  
5 entered into without regard to section 321 of the Act  
6 of June 30, 1932 (40 U.S.C. 303b).

7 (5) The Secretary shall establish procedures for  
8 agreements under paragraph (4), including a re-  
9 quirement that in entering into such agreements the  
10 Trust shall obtain such competition as is practicable  
11 in the circumstances.

12 (6) The Trust shall establish (through ease-  
13 ments, covenants, regulations, agreements, or other-  
14 wise) such restrictions, standards, and requirements  
15 as are necessary to assure the maintenance, protec-  
16 tion, and aesthetic character of the property man-  
17 aged by the Trust.

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

22 (8) The Trust may provide technical assistance  
23 to the occupants of property managed by the Trust,  
24 to assist such occupants in making repairs or im-

1        improvements to the property or applying for loans  
2        under paragraph (7) of this section.

3            (9) The Trust and the Secretary may solicit  
4        and the Trust may accept donations of funds, prop-  
5        erty, supplies, or services from individuals, founda-  
6        tions, corporations, and other private entities, and  
7        from public entities, for the purpose of carrying out  
8        its duties.

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

17           (11) The Secretary and the Trust shall agree  
18       on an amount of revenues received by the Trust to  
19       be transferred to the Secretary, to be applied by the  
20       Secretary, without further appropriation or offset to  
21       appropriation, for common operating and mainte-  
22       nance expenses at the Presidio.

23           (12)(A) The Trust may not (directly or indi-  
24       rectly) borrow funds from any source other than the

1 Secretary of the Treasury as provided in this para-  
2 graph.

3 (B) Except as provided in subparagraph (F), if  
4 at any time the funds available to the Trust are in-  
5 sufficient to enable the Trust to discharge its re-  
6 sponsibilities under this Act, the Trust may issue  
7 obligations to the Secretary of the Treasury, but  
8 only if the Secretary of the Treasury agrees to pur-  
9 chase such obligations after determining that the  
10 projects to be funded from the proceeds thereof are  
11 credit worthy.

12 (C) The aggregate amount of obligations issued  
13 under this paragraph which are outstanding at any  
14 one time may not exceed \$150,000,000.

15 (D) Obligations issued under this paragraph—

16 (i) shall be in such forms and denomina-  
17 tions, bearing such maturities, and subject to  
18 such terms and conditions, as may be pre-  
19 scribed by the Secretary of the Treasury, and

20 (ii) shall bear interest at a rate determined  
21 by the Secretary of the Treasury, taking into  
22 consideration current market yields on out-  
23 standing marketable obligations of the United  
24 States of comparable maturities.



1           (E) No funds appropriated to the Trust may be  
2 used for repayment of principal or interest on, or re-  
3 demption of, obligations issued under this para-  
4 graph.

5           (F) The Secretary of the Treasury may pur-  
6 chase obligations issued under this paragraph only  
7 to the extent provided in advance in appropriation  
8 Acts.

9           (13) Upon the request of the Trust, the Sec-  
10 retary of the Treasury shall invest excess moneys of  
11 the Trust in public debt securities with maturities  
12 suitable to the needs of the Trust, as determined by  
13 the Trust, and bearing interest at rates determined  
14 by the Secretary of the Treasury, taking into consid-  
15 eration current market yields on outstanding mar-  
16 ketable obligations of the United States of com-  
17 parable maturity.

18           (14) The Trust may enter into and perform  
19 such contracts and other transactions with any per-  
20 son, firm, association, organization, corporation or  
21 governmental entity as may be necessary or appro-  
22 priate to the conduct of activities authorized under  
23 this Act.

24           (15) The Trust may execute all instruments  
25 necessary or appropriate in the exercise of any of its

1 functions under this Act, and may delegate to the  
2 Executive Director such of its powers and respon-  
3 sibilities as it deems appropriate and useful for the  
4 administration of the Trust.

5 (16) The Trust may obtain by purchase, rental,  
6 donation, or otherwise, such goods and services as  
7 may be needed to carry out its duties. In the event  
8 of the termination of the Trust, all property and un-  
9 expended funds shall be transferred to the Depart-  
10 ment of the Interior, except that such funds shall  
11 only be expended for the purposes of this Act.

12 (17) The Trust shall procure insurance against  
13 any loss in connection with the properties managed  
14 by it as is reasonable and customary; and shall pro-  
15 cure such additional insurance for losses arising out  
16 of any of its authorized activities as is reasonable  
17 and customary.

18 (18) The Trust may sue and be sued in its  
19 name. All litigation arising out of the activities of  
20 the Trust shall be conducted by the Attorney Gen-  
21 eral; the Trust may retain private attorneys to pro-  
22 vide advice and counsel on transactional issues.

23 (19) The Trust may adopt, amend, and repeal  
24 bylaws, rules, and regulations governing the manner

1 in which its business may be conducted and the pow-  
2 ers vested in it may be exercised.

3 (20) The Trust shall have perpetual succession.

4 (21) The Trust shall have an official seal se-  
5 lected by the Board which shall be judicially noticed.

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

9 (23) For purposes of complying with section  
10 106 of the National Historic Preservation Act, the  
11 Trust may work directly with the National Park  
12 Service, the State Historic Preservation Office, and  
13 the Advisory Council on Historic Preservation and  
14 enter into programmatic agreements, where appro-  
15 priate.

16 (i) USE OF FEDERAL PERSONNEL, FACILITIES, AND  
17 SERVICES.—The Secretary and the heads of other Federal  
18 departments and agencies may provide personnel, facili-  
19 ties, and other administrative services to the Trust to as-  
20 sist it in carrying out its duties under this Act. Further-  
21 more, the Secretary and the heads of other Federal de-  
22 partments and agencies may loan or transfer to the Trust  
23 excess or surplus personal property deemed necessary for  
24 the management of the Presidio.

1           (j) TAXES.—Since the exercise of the powers granted  
2 by this section will be in all respects for the benefit of  
3 the people, the Trust is hereby declared to be devoted to  
4 an essential public and governmental function and purpose  
5 and shall be exempt from all taxes and special assessments  
6 of every kind of the State of California, and its political  
7 subdivisions, including the City and County of San Fran-  
8 cisco.

9           (k) VOLUNTEERS.—The Secretary may accept, with-  
10 out regard to the Civil Service classification laws, rules,  
11 or regulations, the services of the Trust, the Board, and  
12 the officers, and employees and consultants of the Board,  
13 without compensation from the Department of the Inte-  
14 rior, as volunteers in the performance of the functions au-  
15 thorized herein, in the manner provided for under the Vol-  
16 unteers in the Parks Act of 1969 (16 U.S.C. 18g et seq.).

17           (l) SAVINGS CLAUSE.—Nothing in this section shall  
18 preclude the Secretary from exercising any of his or her  
19 lawful powers within the Presidio.

20           (m) AFFIRMATIVE ACTION.—The Trust shall ensure  
21 that affirmative steps are taken, consistent with other  
22 Federal law, to afford equal access and equal opportuni-  
23 ties for leases, concessions, contracts, subcontracts, and  
24 other contracting and employment opportunities to mi-  
25 norities, women, and other socially and economically dis-

1 advantaged individuals, commensurate with local availabil-  
2 ity.

3 (n) FINANCIAL RECORDS.—The financial records of  
4 the Trust shall be available for inspection by the Sec-  
5 retary, the Inspector General of the Department of the  
6 Interior, and the Comptroller General at any time and  
7 shall be audited by a reputable firm of certified public ac-  
8 countants not less frequently than once each year. Such  
9 audit shall be made available to the Secretary and the  
10 Congress. The Trust shall be subject to the provisions of  
11 the Government Corporation Control Act (31 U.S.C. 9109  
12 et seq.), including the budget and credit provisions, except  
13 that the Trust shall submit its budget through and in con-  
14 sultation with the Secretary.

15 (o) LEASING.—In managing and leasing the prop-  
16 erties transferred to it, the Trust should consider the ex-  
17 tent to which prospective tenants maximize the contribu-  
18 tion to the implementation of the General Management  
19 Plan and to the generation of revenues to offset costs of  
20 the Presidio. If the Trust has difficulty securing a tenant  
21 for a property under its control, it may enter into negotia-  
22 tion with a prospective tenant whose proposed use may  
23 be inconsistent with the approved General Management  
24 Plan. The Trust may not enter into a lease which is incon-  
25 sistent with the approved General Management Plan un-

1 less the Secretary makes a finding that the proposed lease  
2 will not have a detrimental effect on the natural, histori-  
3 cal, scenic and recreational values for which the Golden  
4 Gate National Recreation Area was established. For major  
5 leasing actions, the Trust shall submit the proposed lease  
6 to the Secretary of the Interior or his designee for a period  
7 of 10 working days for his review of the lease for consist-  
8 ency with the General Management Plan. Before executing  
9 the lease, the Trust shall consider issues of consistency  
10 raised by the Secretary or his designee.

11 (p) APPLICATION OF OTHER LAWS.—(1) All general  
12 penal statutes relating to the larceny, embezzlement, or  
13 conversion of public moneys or property of the United  
14 States shall apply to the moneys and property of the  
15 Trust.

16 (2)(A) Except as provided in subparagraphs (B) and  
17 (C), Federal laws and regulations governing procurement  
18 by Federal agencies shall apply to the Trust.

19 (B) The Secretary may authorize the Trust, in exer-  
20 cising authority under section 303(g) of the Federal Prop-  
21 erty and Administrative Services Act of 1949 (40 U.S.C.  
22 253(g)) relating to simplified purchase procedures, to use  
23 as the dollar limit of each purchase or contract under that  
24 subsection an amount which does not exceed \$500,000.

1 (C) The Secretary may authorize the Trust, in carry-  
2 ing out the requirement of section 18 of the Office of Fed-  
3 eral Procurement Policy Act (41 U.S.C. 416) to furnish  
4 to the Secretary of Commerce for publication notices of  
5 proposed procurement actions, to use as the applicable  
6 dollar threshold for each expected procurement an amount  
7 which does not exceed \$1,000,000.

8 (q) GOLDEN GATE NATIONAL RECREATION AREA  
9 ADVISORY COMMISSION.—The Trust shall maintain liai-  
10 son with the Golden Gate National Recreation Area Advi-  
11 sory Commission in matters relating to the General Man-  
12 agement Plan, and shall meet with the Commission at  
13 least annually.

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

17 (s) REPORT.—The Trust shall transmit to the Sec-  
18 retary and the Congress, annually each January, a com-  
19 prehensive and detailed report of its operations, activities,  
20 and accomplishments for the prior fiscal year. The report  
21 also shall include a section that describes, in general  
22 terms, the Trust's goals for the current fiscal year. The  
23 portion of the report containing the audited financial  
24 statement may be submitted at a later date, but no later  
25 than the first day of March of such year.

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

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

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



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

14 **SEC. 4. COMPLIANCE WITH BUY AMERICAN ACT.**

15 No funds appropriated pursuant to this Act may be  
16 expended by an entity unless the entity agrees that in ex-  
17 pending the assistance the entity will comply with sections  
18 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a-  
19 10c, popularly known as the “Buy American Act”).

20 **SEC. 5. SENSE OF CONGRESS; REQUIREMENT REGARDING**  
21 **NOTICE.**

22 (a) PURCHASE OF AMERICAN-MADE EQUIPMENT  
23 AND PRODUCTS.—In the case of any equipment or prod-  
24 ucts that may be authorized to be purchased with financial  
25 assistance provided under this Act, it is the sense of the

1 Congress that entities receiving such assistance should, in  
2 expending the assistance, purchase only American-made  
3 equipment and products.

4 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In  
5 providing financial assistance under this Act, the head of  
6 each Federal agency shall provide to each recipient of the  
7 assistance a notice describing the statement made in sub-  
8 section (a) by the Congress.

9 **SEC. 6. PROHIBITION OF CONTRACTS.**

10 It has been finally determined by a court or Federal  
11 agency that any person intentionally affixed a label bear-  
12 ing a “Made in America” inscription, or any inscription  
13 with the same meaning, to any product sold in or shipped  
14 to the United States that is not made in the United  
15 States, such person shall be ineligible to receive any con-  
16 tract or subcontract made with funds provided pursuant  
17 to this Act, pursuant to the debarment, suspension, and  
18 ineligibility procedures described in section 9.400 through  
19 9.409 of title 48, Code of Federal Regulations.

Passed the House of Representatives October 7,  
1994.

Attest: DONNALD K. ANDERSON,  
*Clerk.*

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