

103^D CONGRESS
1ST SESSION

S. 1639

To provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8 (legislative day, NOVEMBER 2), 1993

Mrs. BOXER (for herself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Presidio Corporation
5 Establishment Act”.

6 **SEC. 2. ESTABLISHMENT.**

7 (a) IN GENERAL.—There is established within the
8 Department of the Interior a public benefit corporation

1 to be known as the Presidio Corporation (referred to in
2 this Act as the “Corporation”).

3 (b) DUTIES.—The Corporation shall manage the
4 leasing, maintenance, rehabilitation, repair, and improve-
5 ment of property within the Presidio transferred pursuant
6 to section 2 in accordance with this Act, the approved
7 General Management Plan, (referred to in this Act as the
8 “Plan”), and the Act entitled “An Act to establish the
9 Golden Gate National Recreation Area in the State of
10 California, and for other purposes”, approved October 27,
11 1972 (16 U.S.C. 460bb).

12 (c) BOARD OF DIRECTORS.—

13 (1) COMPOSITION.—The powers and manage-
14 ment of the Corporation shall be vested in a Board
15 of Directors composed of—

16 (A) 9 voting members, including—

17 (i) the Director of the National Park
18 Service, or a designee of such Director;

19 (ii) the Secretary of the Army, or a
20 designee of such Secretary;

21 (iii) the Secretary of Transportation,
22 or a designee of such Secretary;

23 (iv) the Chairperson of the Golden
24 Gate National Park Association;

1 (v) the mayor of the city of San Fran-
2 cisco;

3 (vi) 2 members to be appointed by the
4 Secretary of the Interior (referred to in
5 this Act as the “Secretary”) from rec-
6 ommendations by the Speaker of the
7 House of Representatives and the Majority
8 Leader of the Senate, with national visi-
9 bility and knowledge and experience in one
10 or more of the fields of environmental
11 studies, city planning, finance, real estate,
12 engineering, or management; and

13 (vii) 2 members who shall be residents
14 of, and who shall be registered voters in,
15 the city and county of San Francisco, with
16 knowledge and experience in city planning,
17 finance, and real estate; and

18 (B) 5 nonvoting members, including—

19 (i) the Executive Director of the Na-
20 tional Trust for Historic Preservation;

21 (ii) the Chairman of the Golden Gate
22 National Recreation Area Advisory Com-
23 mission;

1 (iii) a representative from among the
2 entities occupying property at the Presidio,
3 to be appointed by the Secretary; and

4 (iv) 2 members to be appointed by the
5 Secretary, with knowledge and experience
6 in one or more of the fields of city plan-
7 ning, finance, real estate, engineering, or
8 management.

9 (2) TERMS.—

10 (A) IN GENERAL.—Each member of the
11 Board of Directors appointed under clauses (vi)
12 and (vii) of paragraph (1)(A) shall serve for a
13 term of 4 years, except that of the initial ap-
14 pointments to the Board under clause (vii) of
15 paragraph (1)(A), one shall be appointed for a
16 term of 2 years, and one shall be appointed for
17 a term of 3 years.

18 (B) VACANCIES.—Any vacancy on the
19 Board of Directors shall be filled in the same
20 manner in which the original appointment was
21 made. Any member appointed to fill a vacancy
22 shall serve for the remainder of the term, if
23 any, for which the predecessor of such member
24 was appointed. Any member may continue to
25 serve after the expiration of the term of such

1 member until a successor is appointed. No ap-
2 pointed member may serve more than 12 con-
3 secutive years.

4 (3) CHAIRPERSON AND VICE CHAIRPERSON.—

5 The Board of Directors shall elect a Chairperson
6 and a Vice Chairperson from among the members of
7 the Board of Directors.

8 (4) COMPENSATION.—

9 (A) IN GENERAL.—Each member of the
10 Board of Directors who is not an officer or em-
11 ployee of the Federal Government shall serve
12 without compensation. Each member of the
13 Board of Directors who is an officer or em-
14 ployee of the Federal Government shall serve
15 without compensation in addition to that re-
16 ceived for their services as an officer or em-
17 ployee of the Federal Government.

18 (B) TRAVEL EXPENSES.—Each member of
19 the Board of Directors shall be allowed travel
20 expenses while away from the home or regular
21 place of business of the member in the perform-
22 ance of services for the Corporation, including
23 per diem in lieu of subsistence, at rates author-
24 ized for employees of agencies under subchapter
25 I of chapter 57 of title 5, United States Code.

1 (5) MEETINGS.—The Board of Directors shall
2 meet at the call of the Chairperson, who shall re-
3 quire the Board of Directors to meet not less often
4 than once every 90 days.

5 (6) QUORUM.—A majority of the members of
6 the Board of Directors shall constitute a quorum.

7 (7) STAFF.—

8 (A) IN GENERAL.—The Chairperson may
9 appoint and terminate an executive director and
10 such other additional personnel as may be nec-
11 essary for the efficient administration of the
12 Corporation. In selecting persons for appoint-
13 ment to the staff of the Corporation, other than
14 the executive director, priority consideration
15 shall be given to appointing staff (other than
16 the executive director) from among persons
17 with knowledge and experience in the fields of
18 finance and real estate (including property
19 management).

20 (B) COMPENSATION.—The Chairperson
21 may fix the compensation of the executive direc-
22 tor and such other personnel of the Corporation
23 without regard to the provisions of title 5, Unit-
24 ed States Code, relating to appointments in the
25 competitive service, and without regard to the

1 provisions of chapter 51, and subchapter III of
2 chapter 53 of title 5, United States Code (relat-
3 ing to classification and General Schedule pay
4 rates).

5 (8) PROCUREMENT OF SERVICES OF EXPERTS
6 AND CONSULTANTS.—The Chairperson may procure
7 the services of experts or consultants, or organiza-
8 tions, including urban planners, architects, engi-
9 neers, and appraisers.

10 (9) CAPACITY TO SUE AND BE SUED.—The
11 Corporation may sue and be sued in its name, except
12 that the Directors of the Board shall not be person-
13 ally liable except for gross negligence.

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

19 (11) PERPETUAL SUCCESSION.—The Corpora-
20 tion shall have perpetual succession.

21 (12) OFFICIAL SEAL.—The Corporation shall
22 have an official seal selected by the Board which
23 shall be judicially noticed.

24 (13) AUTHORITY TO NEGOTIATE.—The Cor-
25 poration may negotiate directly with the State His-

1 toric Preservation Office and the Advisory Council
2 on Historic Preservation to develop agreements con-
3 cerning the reuse of historic structures managed by
4 the Corporation, to maximize the potential for secur-
5 ing tenants.

6 (14) USE OF FEDERAL PERSONNEL, FACILI-
7 TIES, AND SERVICES.—The Secretary or other Cabi-
8 net officers may provide personnel, facilities, and
9 other administrative services to the Corporation to
10 assist it in carrying out its
11 duties under this Act.

12 (15) TAXES.—The Corporation shall be exempt
13 from all taxes and special assessments of every kind
14 of the United States, the State of California, and its
15 political subdivisions, including the city and county
16 of San Francisco.

17 (16) FINANCIAL RECORDS.—The financial
18 records of the Corporation shall be available for in-
19 spection by the Secretary at any time and shall be
20 audited by a reputable firm of certified public ac-
21 countants not less frequently than once each year.
22 Such audit shall be made available to the Secretary
23 and the Congress.

24 (17) APPLICATION OF OTHER LAWS.—All gen-
25 eral penal statutes relating to the larceny, embezzle-

1 ment, or conversion of public moneys or property of
2 the United States shall apply to the moneys and
3 property of the Corporation.

4 (18) REVERSION.—In the event of failure or de-
5 fault, all interests and assets of the Corporation
6 shall revert to the United States to be administered
7 by the Secretary.

8 **SEC. 3. LEASEHOLD.**

9 (a) IN GENERAL.—The Secretary of the Interior shall
10 transfer to the Corporation, under such terms and condi-
11 tions as the Secretary determines appropriate, a leasehold
12 in the following properties within the Presidio:

13 (1) The Letterman-LAIR complex.

14 (2) Fort Scott.

15 (3) Main Post.

16 (4) Golden Gate.

17 (5) Cavalry Stables.

18 (6) Presidio Hill.

19 (7) Wherry Housing.

20 (8) East Housing.

21 (9) The structures at Crissy Field.

22 (10) Such other buildings within the Presidio as
23 the Secretary determines appropriate.

24 (b) TERM.—The term of the leasehold transferred
25 pursuant to subsection (a) shall be for a period sufficient

1 to enable the Corporation to obtain the most beneficial fi-
2 nancing arrangements.

3 (c) BUILDINGS.—The Secretary shall not transfer to
4 the Corporation any buildings necessary to carry out the
5 activities of the National Park Service.

6 (d) TRANSFER OF EXISTING LEASEHOLDS.—The
7 Secretary shall transfer all leases existing on the date of
8 enactment of this Act affecting the property that is the
9 subject of the leasehold described in subsection (a).

10 **SEC. 4. DUTIES AND AUTHORITIES.**

11 (a) MANAGEMENT.—The Corporation shall manage,
12 maintain, improve, and repair the properties described in
13 section 3.

14 (b) ADVERTISEMENT.—The Corporation shall pub-
15 lish and disseminate information to potential occupants,
16 by advertisement, solicitation, or other means, regarding
17 the availability of the property within the Presidio man-
18 aged by the Corporation.

19 (c) PLANS.—The Corporation may prepare, or cause
20 to be prepared, plans, specifications, designs, and esti-
21 mates of costs for rehabilitating, improving, altering, or
22 repairing property managed by the Corporation, and from
23 time to time may modify such plans, specifications, de-
24 signs, or estimates.

1 (d) AGREEMENTS.—The Corporation may enter into
2 contracts, including leases, cooperative agreements, or
3 other agreements, with any governmental entity, private
4 or nonprofit organization, individual, firm, association, or-
5 ganization, or corporation for the occupancy of property
6 within the Presidio managed by the Corporation.

7 (e) BIDDING PROCEDURES.—The Corporation shall
8 establish competitive bidding procedures to be used for the
9 issuance of leases and contracts under this Act.

10 (f) FEDERAL PROCUREMENT LAWS.—The Federal
11 procurement laws shall not apply to the Corporation.

12 (g) REGULATIONS.—The Corporation shall establish
13 (through easements, covenants, regulations, agreements,
14 or otherwise) such restrictions, standards, and require-
15 ments as are necessary to maintain and protect the prop-
16 erty managed by the Corporation.

17 (h) LOANS.—The Corporation may make loans to the
18 occupants of property managed by the Corporation for the
19 preservation, restoration, maintenance, or repair of such
20 property.

21 (i) TECHNICAL ASSISTANCE.—The Corporation may
22 provide technical assistance to occupants of property man-
23 aged by the Corporation, to repair or improve the property
24 or to apply for loans under subsection (h).

1 (j) DONATIONS.—The Corporation may solicit and
2 accept donations of funds, property, supplies, or services
3 from individuals, foundations, corporations, and other pri-
4 vate entities, and from public entities, to carry out its du-
5 ties.

6 (k) REVENUES.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), the Corporation may retain revenues from
9 leases or other agreements concerning property man-
10 aged by the Corporation, including preexisting leases
11 or agreements, and donations, and use the revenues
12 to defray the costs of administration, preservation,
13 restoration, operation, maintenance, repair, and re-
14 lated expenses incurred by the Corporation with re-
15 spect to such properties.

16 (2) AMOUNT TRANSFERRED TO SECRETARY.—
17 The Corporation shall transfer to the Secretary such
18 portion of the revenues described in paragraph (1)
19 as agreed to by the Board of Directors and the Sec-
20 retary. The Secretary shall expend the amount
21 transferred pursuant to this paragraph for the main-
22 tenance of the common property.

23 (l) AUTHORITY TO BORROW FUNDS.—

1 (1) IN GENERAL.—The Corporation may bor-
2 row funds from public or private sources to carry
3 out the duties of the Corporation under this Act.

4 (2) EVIDENCE OF INDEBTEDNESS.—The Cor-
5 poration may issue evidence of indebtedness and
6 may provide collateral to secure such indebtedness
7 (including a mortgage or pledge of the interest of
8 the Corporation in revenues or the leasehold in prop-
9 erty described in section 3).

10 (3) LOANS FROM TREASURY.—The Corporation
11 may borrow funds from the Treasury of the United
12 States, in such amounts as may be authorized in ap-
13 propriations acts, to carry out the duties of the Cor-
14 poration under this Act. Loans from the Treasury
15 shall have such maturities, terms, and conditions as
16 agreed upon by the Corporation and the Secretary of
17 the Treasury, and may be redeemable at the option
18 of the Corporation before maturity.

19 (4) INVESTMENT.—Except with respect to
20 funds obtained from the Federal Government, the
21 Corporation may invest any funds not required for
22 immediate use or disbursement, with the approval of
23 the Secretary of the Treasury, in obligations of the
24 United States Government, or obligations the prin-

1 cial and interest that are guaranteed by the United
2 States Government.

3 (m) DELEGATION OF AUTHORITY.—The Corporation
4 may execute all instruments necessary or appropriate in
5 the exercise of any of its functions under this Act, and
6 may delegate to the executive director such of its powers
7 and responsibilities as are appropriate and useful for the
8 administration of the Corporation.

9 (n) PROCUREMENT OF GOODS AND SERVICES.—The
10 Corporation may obtain by purchase, rental, donation, or
11 otherwise, such goods and services as are necessary to
12 carry out its duties under this Act. In the event of the
13 termination of the Corporation, all property and unex-
14 pended funds shall be transferred to the Department of
15 the Interior.

16 (o) INSURANCE.—The Corporation shall procure in-
17 surance against any loss in connection with the properties
18 managed by the Corporation.

19 (p) VOLUNTEERS.—The Secretary may accept, with-
20 out regard to the Civil Service classification laws, rules,
21 or regulations, the services of the Corporation, the Board,
22 and the officers and employees of the Board, without com-
23 pensation from the Department of the Interior, as volun-
24 teers in the performance of the functions authorized here-

1 in, in the manner provided for under Public Law 91–357
2 (16 U.S.C. 18g et seq.).

3 (q) SAVINGS CLAUSE.—Nothing in this Act shall pre-
4 clude the Secretary from exercising any of the lawful pow-
5 ers of the Secretary within the Presidio.

6 (r) AFFIRMATIVE ACTION.—The Corporation shall
7 ensure that affirmative steps are taken, consistent with
8 other Federal law, to afford equal access and equal oppor-
9 tunities for leases, concessions, contracts, subcontracts,
10 and other contracting and employment opportunities to
11 minorities, women, and other socially and economically
12 disadvantaged individuals, commensurate with local avail-
13 ability.

14 **SEC. 5. REPORT.**

15 Not later than January 5 of each year, and at such
16 other times as it deems desirable, the Corporation shall
17 transmit to the Secretary and the Congress, a comprehen-
18 sive and detailed report of its operations, activities, and
19 accomplishments under this Act.

20 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) IN GENERAL.—Except as provided in subsection
22 (b), there are authorized to be appropriated such sums
23 as are necessary to carry out this Act.

24 (b) LIMITATION.—The aggregate of funds made
25 available pursuant to this Act and the Act entitled “An

1 Act to establish the Golden Gate National Recreation Area
2 in the State of California, and for other purposes”, ap-
3 proved October 27, 1972 (16 U.S.C. 460bb) shall not ex-
4 ceed \$25,000,000 in any fiscal year.

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