

106TH CONGRESS
2D SESSION

H. R. 5242

To convey certain Federal properties on Governors Island, New York, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2000

Mr. GILMAN (for himself, Mr. NADLER, and Mrs. MALONEY of New York) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To convey certain Federal properties on Governors Island,
New York, 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,*

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4 *tives of the United States of America in Congress assembled,*

5 **SECTION 1. SHORT TITLE.**

6 This Act may be cited as the “Governors Island Pres-
7 ervation Act of 2000”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) In August 1776, the fortifications at Gov-
4 ernors Island, New York, provided cover allowing
5 George Washington’s Continental Army to escape a
6 British onslaught during the Battle of Long Island.

7 (2) The State of New York, for nominal consid-
8 eration, ceded control of Governors Island to the
9 Federal Government in 1800 to provide for the de-
10 fense of the United States.

11 (3) During the War of 1812, the combined fire-
12 power of Castle Williams on Governors Island and
13 the Southwest Battery in Manhattan dissuaded the
14 British from making a direct attack on New York
15 City, which was the largest city in and principal sea-
16 port of the United States at the time.

17 (4) In 1901, 4,700,000 cubic yards of fill from
18 the excavation of the Lexington Avenue Subway in
19 Manhattan were deposited to increase the area of
20 Governors Island from 90 to 172 acres.

21 (5) Governors Island played a significant role in
22 the Civil War, World War I, and World War II, and
23 continued to serve the United States Army through
24 1966.

25 (6) In 1958, the United States District Court
26 for the Southern District of New York formally rati-

1 fied the long possession of Governors Island by the
2 United States through a condemnation proceeding
3 that required “just compensation” of \$1.

4 (7) In 1966, the Army relocated operations
5 from Governors Island, and the United States Coast
6 Guard assumed control of the Island, an action that
7 established an integral component of the Atlantic
8 coast efforts of the Coast Guard for the following 30
9 years.

10 (8) The Admiral’s House on Governors Island
11 hosted the final summit meeting between President
12 Ronald W. Reagan and Soviet Premier Mikhail S.
13 Gorbachev in December 1988, where the leaders pre-
14 sented each other with the Articles of Ratification
15 for the Intermediate Nuclear Forces Treaty.

16 (9) The Coast Guard ceased operations at Gov-
17 ernors Island in 1997, leaving 225 buildings unoccu-
18 pied, unused, and exposed to the harsh elements of
19 New York Harbor.

20 (10) Castle Williams is named after Lieutenant
21 Colonel Jonathan Williams, who built the semi-
22 circular “cheesebox” fort and later served as the
23 first superintendent of West Point Military Acad-
24 emy.

1 (11) The pentagonal Fort Jay, named after
2 John Jay, is the complement of Fort Wood on near-
3 by Bedloe Island, which serves as the base of the
4 Statue of Liberty.

5 (12) Castle Williams and Fort Jay, located
6 within the Governors Island National Historic Land-
7 mark District, and more than 200 years of contribu-
8 tions to the history of the United States could be
9 lost if Governors Island were to remain vacant or be
10 sold to a private entity.

11 (13) Castle Williams and Fort Jay, key ele-
12 ments of the Governors Island National Historic
13 Landmark District, are worthy of continued Federal
14 protection and should be designated a unit of the
15 National Park System.

16 (14) The State of New York and the city of
17 New York have agreed to a plan to be administered
18 by the Governors Island Redevelopment Corporation,
19 a subsidiary of the Empire State Development Cor-
20 poration, that—

21 (A) offers what may be the only oppor-
22 tunity to ensure—

23 (i) public access to Governors Island;

1 (ii) the preservation and protection of
2 historic structures on Governors Island for
3 future generations; and

4 (iii) the ability of local elected offi-
5 cials, local community boards, and commu-
6 nity organizations to participate in the re-
7 development of Governors Island; and

8 (B) would provide substantial educational
9 and recreational facilities to the public.

10 (b) PURPOSES.—The purposes of this Act are as fol-
11 lows:

12 (1) To prevent the deterioration of the historic
13 military buildings on Governors Island in New York
14 Harbor.

15 (2) To ensure that Castle Williams and Fort
16 Jay are—

17 (A) retained in Federal ownership;

18 (B) available for the benefit and inspira-
19 tion of the people of the United States; and

20 (C) afforded protection by the National
21 Park Service as a unit of the National Park
22 System.

23 (3) To provide the general public with—

24 (A) access to Governors Island;

1 (B) access to open park space to experi-
2 ence the majestic views of New York Harbor;
3 and

4 (C) opportunities that illustrate the signifi-
5 cant contributions of Governors Island to the
6 history of the United States.

7 (4) To return to the people of the State of New
8 York property that the State of New York conveyed
9 to the Federal Government, for nominal consider-
10 ation, to provide for the defense of the United
11 States.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) ADMINISTRATOR.—The term “Adminis-
15 trator” means the Administrator of General Serv-
16 ices.

17 (2) CITY.—The term “City” means the City of
18 New York.

19 (3) CORPORATION.—The term “Corporation”
20 means Governors Island Redevelopment Corporation,
21 a subsidiary of the Empire State Development Cor-
22 poration governed by a board to be appointed by the
23 State and the City (or any successor entity).

1 (4) MANAGEMENT PLAN.—The term “manage-
2 ment plan” means the management plan prepared
3 under section 4(f).

4 (5) MONUMENT.—The term “Monument”
5 means the Governors Island National Monument es-
6 tablished under section 4(a).

7 (6) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 (7) STATE.—The term “State” means the State
10 of New York.

11 **SEC. 4. GOVERNORS ISLAND NATIONAL MONUMENT.**

12 (a) ESTABLISHMENT.—To preserve for the benefit
13 and inspiration of the people of the United States as a
14 national monument certain historic structures and associ-
15 ated land located on Governors Island in New York Har-
16 bor, there is established a unit of the National Park Sys-
17 tem to be known as the “Governors Island National Monu-
18 ment”.

19 (b) COMPOSITION.—

20 (1) IN GENERAL.—The Monument shall be
21 comprised of Castle Williams and Fort Jay, as de-
22 picted on the map entitled “Governors Island Na-
23 tional Monument Boundary Map”, numbered GOIS
24 ____, and dated ____, 2000.

1 (2) INCLUSIONS.—The Monument shall
2 include—

3 (A) the land on which Castle Williams and
4 Fort Jay are situated; and

5 (B) the land between Castle Williams and
6 Fort Jay;

7 as depicted on the map described in paragraph (1).

8 (3) AVAILABILITY OF MAP.—The map described
9 in paragraph (1) shall be on file and available for
10 public inspection in the appropriate offices of the
11 National Park Service.

12 (c) TRANSFER.—Not later than 180 days after the
13 date of the enactment of this Act, as part of the overall
14 disposition of Governors Island, the Administrator shall
15 transfer administrative jurisdiction over the Monument to
16 the Secretary.

17 (d) RIGHTS OF ACCESS.—

18 (1) RESERVATION.—As part of the overall dis-
19 position of Governors Island, the Administrator, sub-
20 ject to agreement by the Secretary and the Corpora-
21 tion, shall reserve the right of access for the Sec-
22 retary to the Monument for purposes of operating
23 and maintaining the Monument.

24 (2) UTILITIES.—The provision of and access to
25 utilities to the Monument shall be—

1 (A) determined as part of the disposition
2 of Governors Island in accordance with the pub-
3 lic service laws of the State of New York; and

4 (B) subject to agreement between the Sec-
5 retary and the Corporation.

6 (e) ADMINISTRATION.—

7 (1) IN GENERAL.—On completion of the trans-
8 fer under subsection (c), the Monument shall be ad-
9 ministered by the Secretary in accordance with—

10 (A) this Act; and

11 (B) laws generally applicable to units of
12 the National Park System, including—

13 (i) the Act entitled “An Act to estab-
14 lish a National Park Service, and for other
15 purposes”, approved August 25, 1916 (16
16 U.S.C. 1 et seq.); and

17 (ii) the Act entitled “An Act to pro-
18 vide for the preservation of historic Amer-
19 ican sites, buildings, objects, and antiq-
20 uities of national significance, and for
21 other purposes”, approved August 21,
22 1935 (16 U.S.C. 461 et seq.).

23 (2) COOPERATIVE AGREEMENTS.—The Sec-
24 retary, in consultation with the Corporation, may
25 consult, and enter into cooperative agreements, with

1 interested entities and individuals to provide for the
2 preservation, development, interpretation, and use of
3 the Monument.

4 (f) MANAGEMENT PLAN.—

5 (1) IN GENERAL.—Not later than 2 years after
6 the date of the enactment of this Act, in consulta-
7 tion with the Corporation and other appropriate
8 public and private entities, the Secretary shall pre-
9 pare a management plan for the Monument.

10 (2) APPLICABLE LAW.—The Secretary shall
11 prepare the management plan in accordance with—

12 (A) section 12(b) of the Act entitled “An
13 Act to improve the administration of the Na-
14 tional Park System by the Secretary of the In-
15 terior, and to clarify the authorities applicable
16 to the system, and for other purposes”, ap-
17 proved August 18, 1970 (16 U.S.C. 1a–7(b));
18 and

19 (B) other applicable law.

20 (3) SUBMISSION.—On completion of the man-
21 agement plan, the Secretary shall submit the man-
22 agement plan to—

23 (A) the Committee on Resources of the
24 House of Representatives; and

1 (B) the Committee on Energy and Natural
2 Resources of the Senate.

3 (g) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated such sums as are nec-
5 essary to carry out the annual operation and maintenance
6 of the Monument.

7 **SEC. 5. CONVEYANCE OF GOVERNORS ISLAND.**

8 (a) IN GENERAL.—

9 (1) CONVEYANCE.—Notwithstanding section
10 9101 of the Balanced Budget Act of 1997 (Public
11 Law 105–33; 111 Stat. 670) or any other provision
12 of law, and except as provided in paragraphs (2) and
13 (3), not later than 180 days after the date of the en-
14 actment of this Act, the Administrator shall convey
15 to the State of New York, for no consideration and
16 for use consistent with sections 2(a)(14) and 2(b),
17 all right, title, and interest of the United States in
18 and to Governors Island, to be administered by the
19 Corporation.

20 (2) RIGHTS OF ACCESS.—The conveyance under
21 paragraph (1)(A) shall be subject to the rights of ac-
22 cess described in section 4(d).

23 (3) EXCLUSION OF MONUMENT.—The Monu-
24 ment shall not be included in the conveyance under
25 paragraph (1)(A).

1 (b) USE AND REDEVELOPMENT OF GOVERNORS IS-
2 LAND.—Upon completion of the conveyance under sub-
3 section (a)(1)(A), any use of the conveyed land shall be
4 consistent with sections 2(a)(14) and 2(b), and in compli-
5 ance with—

6 (1) the New York State Environmental Quality
7 Review Act (Sections 0101 through 0117 of the En-
8 vironmental Conservation Law of New York); and

9 (2) the document entitled “Governors Island
10 Preservation and Design Manual”—

11 (A) developed by the Administrator in ac-
12 cordance with—

13 (i) the National Historic Preservation
14 Act (16 U.S.C. 470 et seq.); and

15 (ii) applicable State and local historic
16 preservation law; and

17 (B) as approved by the Administrator,
18 State, and City.

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