

106TH CONGRESS
2D SESSION

S. 2512

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

IN THE SENATE OF THE UNITED STATES

MAY 4, 2000

Mr. MOYNIHAN (for himself and Mr. SCHUMER) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

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

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 “Governors Island Pres-
5 ervation Act of 2000”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) in August 1776, the fortifications at Gov-
9 ernors Island, New York, provided cover allowing

1 George Washington's Continental Army to escape a
2 British onslaught during the Battle of Long Island;

3 (2) the State of New York, for nominal consid-
4 eration, ceded control of Governors Island to the
5 Federal Government in 1800 to provide for the de-
6 fense of the United States;

7 (3) during the War of 1812, the combined fire-
8 power of Castle Williams on Governors Island and
9 the Southwest Battery in Manhattan dissuaded the
10 British from making a direct attack on New York
11 City, which was the largest city in and principal sea-
12 port of the United States at the time;

13 (4) in 1901, 4,700,000 cubic yards of fill from
14 the excavation of the Lexington Avenue Subway in
15 Manhattan were deposited to increase the area of
16 Governors Island from 90 to 172 acres;

17 (5) Governors Island played a significant role in
18 the Civil War, World War I, and World War II, and
19 continued to serve the United States Army through
20 1966;

21 (6) in 1958, the United States District Court
22 for the Southern District of New York formally rati-
23 fied the long possession of Governors Island by the
24 United States through a condemnation proceeding
25 that required "just compensation" of \$1;

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

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

13 (9) the Coast Guard ceased operations at Gov-
14 ernors Island in 1997, leaving 225 buildings unoccu-
15 pied, unused, and exposed to the harsh elements of
16 New York Harbor;

17 (10) Castle Williams is named after Lieutenant
18 Colonel Jonathan Williams, who built the semi-cir-
19 cular “cheesebox” fort and later served as the first
20 superintendent of West Point Military Academy;

21 (11) the pentagonal Fort Jay, named after
22 John Jay, is the complement of Fort Wood on near-
23 by Bedloe Island, which serves as the base of the
24 Statue of Liberty;

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

7 (13) Castle Williams and Fort Jay, key ele-
8 ments of the Governors Island National Historic
9 Landmark District, are worthy of continued Federal
10 protection and should be designated a unit of the
11 National Park System; and

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

17 (A) offers what may be the only oppor-
18 tunity to ensure—

19 (i) public access to Governors Island;

20 (ii) the preservation and protection of
21 historic structures on Governors Island for
22 future generations; and

23 (iii) the ability of local elected offi-
24 cials, local community boards, and commu-

1 nity organizations to participate in the re-
2 development of Governors Island; and

3 (B) would provide substantial educational
4 and recreational facilities to the public.

5 (b) PURPOSES.—The purposes of this Act are—

6 (1) to prevent the deterioration of the historic
7 military buildings on Governors Island in New York
8 Harbor;

9 (2) to ensure that Castle Williams and Fort
10 Jay are—

11 (A) retained in Federal ownership;

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

14 (C) afforded protection by the National
15 Park Service as a unit of the National Park
16 System;

17 (3) to provide the general public with—

18 (A) access to Governors Island;

19 (B) access to open park space to experi-
20 ence the majestic views of New York Harbor;
21 and

22 (C) opportunities that illustrate the signifi-
23 cant contributions of Governors Island to the
24 history of the United States; and

1 (4) to return to the people of the State of New
2 York property that the State of New York conveyed
3 to the Federal Government, for nominal consider-
4 ation, to provide for the defense of the United
5 States.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of General Serv-
10 ices.

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

13 (3) CORPORATION.—The term “Corporation”
14 means Governors Island Redevelopment Corporation,
15 a subsidiary of the Empire State Development Cor-
16 poration governed by a board to be appointed by the
17 State and the City (or any successor entity).

18 (4) MANAGEMENT PLAN.—The term “manage-
19 ment plan” means the management plan prepared
20 under section 4(f).

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

24 (6) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

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

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

4 (a) ESTABLISHMENT.—To preserve for the benefit
5 and inspiration of the people of the United States as a
6 national monument certain historic structures and associ-
7 ated land located on Governors Island in New York Har-
8 bor, there is established a unit of the National Park Sys-
9 tem to be known as the “Governors Island National Monu-
10 ment”.

11 (b) COMPOSITION.—

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

17 (2) INCLUSIONS.—The Monument shall
18 include—

19 (A) the land on which Castle Williams and
20 Fort Jay are situated; and

21 (B) the land between Castle Williams and
22 Fort Jay;

23 as depicted on the map described in paragraph

24 (1).

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

5 (c) TRANSFER.—Not later than 180 days after the
6 date of enactment of this Act, as part of the overall dis-
7 position of Governors Island, the Administrator shall
8 transfer administrative jurisdiction over the Monument to
9 the Secretary.

10 (d) RIGHTS OF ACCESS.—

11 (1) RESERVATION.—As part of the overall dis-
12 position of Governors Island, the Administrator, sub-
13 ject to agreement by the Secretary and the Corpora-
14 tion, shall reserve the right of access for the Sec-
15 retary to the Monument for purposes of operating
16 and maintaining the Monument.

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

19 (A) determined as part of the disposition
20 of Governors Island in accordance with the pub-
21 lic service law of the State of New York; and

22 (B) subject to agreement between the Sec-
23 retary and the Corporation.

24 (e) ADMINISTRATION.—

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

4 (A) this Act; and

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

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

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

17 (2) COOPERATIVE AGREEMENTS.—The Sec-
18 retary, in consultation with the Corporation, may
19 consult, and enter into cooperative agreements, with
20 interested entities and individuals to provide for the
21 preservation, development, interpretation, and use of
22 the Monument.

23 (f) MANAGEMENT PLAN.—

24 (1) IN GENERAL.—Not later than 2 years after
25 the date of enactment of this Act, in consultation

1 with the Corporation and other appropriate public
2 and private entities, the Secretary shall prepare a
3 management plan for the Monument.

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

6 (A) section 12(b) of the Act entitled “An
7 Act to improve the administration of the na-
8 tional park system by the Secretary of the Inte-
9 rior, and to clarify the authorities applicable to
10 the system, and for other purposes”, approved
11 August 18, 1970 (16 U.S.C. 1a-7(b)); and

12 (B) other applicable law.

13 (3) SUBMISSION.—On completion of the man-
14 agement plan, the Secretary shall submit the man-
15 agement plan to—

16 (A) the Committee on Resources of the
17 House of Representatives; and

18 (B) the Committee on Energy and Natural
19 Resources of the Senate.

20 (g) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated such sums as are nec-
22 essary to carry out annual operation and maintenance of
23 the Monument.

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

25 (a) IN GENERAL.—

1 (1) CONVEYANCE.—Notwithstanding section
2 9101 of the Balanced Budget Act of 1997 (Public
3 Law 105–33; 111 Stat. 670) or any other provision
4 of law, and except as provided in paragraphs (2) and
5 (3), not later than 180 days after the date of enact-
6 ment of this Act, the Administrator shall convey to
7 the State of New York, for no consideration, all
8 right, title, and interest of the United States in and
9 to Governors Island, to be administered by the Cor-
10 poration.

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

14 (3) EXCLUSION OF MONUMENT.—The Monu-
15 ment shall not be included in the conveyance under
16 paragraph (1)(A).

17 (b) USE AND REDEVELOPMENT OF GOVERNORS IS-
18 LAND.—On completion of the conveyance under subsection
19 (a)(1)(A), any use of the conveyed land shall be in compli-
20 ance with—

21 (1) the New York State Environmental Quality
22 Review Act (Sections 0101 through 0117 of the En-
23 vironmental Conservation Law of New York); and

24 (2) the document entitled “Governors Island
25 Preservation and Design Manual”—

1 (A) developed by the Administrator in ac-
2 cordance with—

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

5 (ii) applicable State and local historic
6 preservation law; and

7 (B) as approved by the Administrator,
8 State, and City.

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