

104TH CONGRESS
1ST SESSION

H. R. 1296

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer.

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 1995

Ms. PELOSI (for herself, Mr. HORN, Mr. GILMAN, and Mr. LANTOS) introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer.

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, located amidst the incom-
6 parable scenic splendor of the Golden Gate, is one
7 of America's great natural and historic sites;

8 (2) the Presidio is the oldest continuously oper-
9 ated military post in the Nation dating from 1776,

1 and was designated as National Historic Landmark
2 in 1962;

3 (3) preservation of the cultural and historic in-
4 tegrity of the Presidio for public use recognizes its
5 significant role in the history of the United States;

6 (4) the Presidio, in its entirety, is a part of the
7 Golden Gate National Recreation Area, in accord-
8 ance with Public Law 92-589;

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

18 (6) the Presidio will be managed through an in-
19 novative public/private partnership that minimizes
20 cost to the United States Treasury and makes effi-
21 cient use of private sector resources that could be
22 utilized in the public interest.

23 **SEC. 2. INTERIM LEASING AUTHORITY.**

24 The Secretary of the Interior (hereinafter in this Act
25 referred to as the "Secretary") is authorized to negotiate

1 and enter into leases, at fair market rental and without
2 regard to section 321 of chapter 314 of the Act of June
3 30, 1932 (40 U.S.C. 303b), for all or part of the Presidio
4 of San Francisco that is under the administrative jurisdic-
5 tion of the Secretary until such time as the property con-
6 cerned is transferred to the administrative jurisdiction of
7 the Presidio Trust. Notwithstanding sections 1341 and
8 3302 of title 31 of the United States Code, the proceeds
9 from any such lease shall be retained by the Secretary and
10 used for the preservation, restoration, operation and main-
11 tenance, improvement, repair and related expenses in-
12 curred with respect to Presidio properties. For purposes
13 of any such lease, the Secretary may adjust the rental by
14 taking into account any amounts to be expended by the
15 lessee for preservation, maintenance, restoration, improve-
16 ment, repair and related expenses with respect to prop-
17 erties within the Presidio.

18 **SEC. 3. THE PRESIDIO TRUST.**

19 (a) ESTABLISHMENT.—There is established a body
20 corporate within the Department of the Interior to be
21 known as the Presidio Trust (hereinafter in this Act re-
22 ferred to as the “Trust”).

23 (b) TRANSFER.—(1) The Secretary shall transfer to
24 the administrative jurisdiction of the Trust those areas
25 commonly known as the Letterman/LAIR complex, Fort

1 Scott, Main Post, Cavalry Stables, Presidio Hill, Wherry
2 Housing, East Housing, the structures at Crissy Field,
3 roads, utilities or other infrastructure servicing the prop-
4 erties and such other properties that the Secretary deems
5 appropriate, as depicted on the map referred to in this
6 subsection. The Trust and the Secretary shall agree on
7 the use and occupancy of buildings and facilities necessary
8 to house and support activities of the National Park Serv-
9 ice at the Presidio.

10 (2) Within 60 days after enactment of this section,
11 the Secretary shall prepare a map identifying properties
12 to be conveyed to the Trust.

13 (3) The transfer for administrative jurisdiction shall
14 occur within 60 days after appointments are made to the
15 board of Directors.

16 (4) The Secretary shall transfer, with the transfer of
17 administrative jurisdiction over any property, all leases,
18 concessions, licenses, permits, programmatic agreements
19 and other agreements affecting such property and any rev-
20 enues and unobligated funds associated with such leases,
21 concessions, licenses, permits, and agreements.

22 (c) BOARD OF DIRECTORS.—

23 (1) IN GENERAL.—The powers and manage-
24 ment of the Trust shall be vested in a Board of Di-
25 rectors consisting of the following 5 members:

1 (A) The Secretary of the Interior or the
2 Secretary's designee.

3 (B) 4 individuals, who are not employees
4 of the Federal Government, appointed by the
5 President, who shall possess extensive knowl-
6 edge and experience in one or more of the fields
7 of city planning, finance, and real estate. At
8 least 3 of these individuals shall reside in the
9 region in which the Presidio is located.

10 (2) TERMS.—The President shall make the ap-
11 pointments referred to in subparagraph (B) of para-
12 graph (1) within 90 days and in such a manner as
13 to ensure staggered 4-year terms. Any vacancy
14 under subparagraph (B) of paragraph (1) shall be
15 filled in the same manner in which the original ap-
16 pointment was made, and any member appointed to
17 fill a vacancy shall serve for the remainder of the
18 term for which his or her predecessor was appointed.
19 No appointed director may serve more than 8 years
20 in consecutive terms. No member of the Board of
21 Directors may have a financial interest in any ten-
22 ant of the Presidio.

23 (3) ORGANIZATION AND COMPENSATION.—The
24 Board shall organize itself in such a manner as it
25 deems most appropriate to effectively carry out the

1 authorized activities of the Trust. Board members
2 shall serve without pay, but may be reimbursed for
3 the actual and necessary travel and subsistence ex-
4 penses incurred by them in the performance of the
5 duties of the Trust.

6 (4) LIABILITY OF DIRECTORS.—Members of the
7 Board of Directors shall not be considered Federal
8 employees by virtue of their membership on the
9 Board, except for purposes of the Federal Tort
10 Claims Act.

11 (5) PUBLIC LIAISON.—The Board shall estab-
12 lish procedures whereby liaison with the public,
13 through the Golden Gate National Recreation Area
14 Advisory Commission, and the National Park Serv-
15 ice, shall be maintained.

16 (d) DUTIES AND AUTHORITIES.—In accordance with
17 the purposes set forth in this Act and in section 1 of the
18 Act entitled “An Act to establish the Golden Gate Na-
19 tional Recreation Area in the State of California, and for
20 other purposes”, approved October 27, 1972 (Public Law
21 92–589; 86 Stat. 1299; 16 U.S.C. 460bb), the Trust shall
22 manage the leasing, maintenance, rehabilitation, repair
23 and improvement of property within the Presidio which
24 is under its administrative jurisdiction. The Trust may
25 participate in the development of programs and activities

1 at the properties that have been transferred to the Trust.
2 In exercising its powers and duties, the Trust shall act
3 in accordance with the approved General Management
4 Plan, as amended, for the Presidio (hereinafter in this Act
5 referred to as the “Plan”) and shall have the following
6 authorities:

7 (1) The Trust is authorized to manage, lease,
8 maintain, rehabilitate and improve, either directly or
9 by agreement, those properties within the Presidio
10 which are transferred to the Trust by the Secretary.

11 (2)(A) The Trust is authorized to negotiate and
12 enter into such agreements, leases, contracts and
13 other arrangements with any person, firm, associa-
14 tion, organization, corporation or governmental en-
15 tity, including without limitation entities of Federal,
16 State and local governments (except any agreement
17 to convey fee title to any property located at the
18 Presidio) as are necessary and appropriate to fi-
19 nance and carry out its authorized activities. Agree-
20 ments under this paragraph may be entered into
21 without regard to section 321 of the Act of June 30,
22 1992 (40 U.S.C. 303b).

23 (B) Except as provided in subparagraphs (C),
24 (D), and (E), Federal laws and regulations govern-

1 ing procurement by Federal agencies shall apply to
2 the Trust.

3 (C) The Secretary may authorize the Trust, in
4 exercising authority under section 303(g) of the
5 Federal Property and Administrative Services Act of
6 1949 (40 U.S.C. 253(g)) relating to simplified pur-
7 chase procedures, to use as the dollar limit of each
8 purchase or contract under this subsection an
9 amount which does not exceed \$500,000.

10 (D) The Secretary may authorized the Trust, in
11 carrying out the requirement of section 18 of the Of-
12 fice of Federal Procurement Policy Act (41 U.S.C
13 416) to furnish the Secretary of Commerce for pub-
14 lication notices of proposed procurement actions, to
15 use as the applicable dollar threshold for each ex-
16 pected procurement an amount which does not ex-
17 ceed \$1,000,000.

18 (E) The Trust shall establish procedures for
19 lease agreements and other agreements for use and
20 occupancy of Presidio facilities, including a require-
21 ment that in entering into such agreements the
22 Trust shall obtain such competition as is practicable
23 in the circumstances.

24 (3) The Trust is authorized to appoint and fix
25 the compensation and duties of an executive director

1 and such other officers and employees as it deems
2 necessary without regard to the provisions of title
3 5, United States Code, governing appointments in
4 the competitive service, and may pay them without
5 regard to the provisions of chapter 51, and sub-
6 chapter III of chapter 53, title 5, United States
7 Code (relating to classification and General Schedule
8 pay rates).

9 (4) To augment or encourage the use of non-
10 Federal funds to finance capital improvements on
11 Presidio properties transferred to its jurisdiction, the
12 Trust, in addition to its other authorities, shall have
13 the following authorities:

14 (A) The authority to guarantee any lender
15 against loss of principal or interest on any con-
16 struction loan, provided that (i) the terms of
17 the guarantee are approved by the Secretary of
18 the Treasury, (ii) adequate guarantee authority
19 is provided in appropriations Acts, and (iii)
20 such guarantees are structured so as to mini-
21 mize potential cost to the Federal Government.

22 (B) The authority, subject to available ap-
23 propriations, to make loans to the occupants of
24 property managed by the Trust for the preser-

1 vation, restoration, maintenance, or repair of
2 such property.

3 (C) The authority to issue obligations to
4 the Secretary of the Treasury, but only if the
5 Secretary of the Treasury agrees to purchase
6 such obligations after determining that the
7 projects to be funded from the proceeds thereof
8 are credit worthy and that a repayment sched-
9 ule is established. The Secretary of the Treas-
10 ury is authorized to use as a public debt trans-
11 action the proceeds from the sale of any securi-
12 ties issued under chapter 31 of title 31, United
13 States Code, and the purposes for which securi-
14 ties may be issued under such chapter are ex-
15 tended to include any purchase of such notes or
16 obligations acquired by the Secretary of the
17 Treasury under this subsection. The aggregate
18 amount of obligations issued under this sub-
19 paragraph which are outstanding at any one
20 time may not exceed \$150,000,000. Obligations
21 issued under this subparagraph shall be in such
22 forms and denominations, bearing such matu-
23 rities, and subject to such terms and conditions,
24 as may be prescribed by the Secretary of the
25 Treasury, and shall bear interest at a rate de-

1 terminated by the Secretary of the Treasury, tak-
2 ing into consideration current market yields on
3 outstanding marketable obligations of the
4 United States of comparable maturities. No
5 funds appropriated to the Trust may be used
6 for repayment of principal or interest on, or re-
7 demption of, obligations issued under this para-
8 graph. All obligations purchased under author-
9 ity of this subparagraph must be authorized in
10 advance in appropriations Acts.

11 (D) The Trust shall be deemed to be a
12 public agency for the purpose of entering into
13 joint exercise of powers agreements pursuant to
14 California government code section 6500 and
15 following.

16 (5) The Trust may solicit and accept donations
17 of funds, property, supplies, or services from individ-
18 uals, foundations, corporations, and other private or
19 public entities for the purpose of carrying out its du-
20 ties. The Trust shall maintain philanthropic liaison
21 with the Golden Gate National Park Association, the
22 fund raising association for the Golden Gate Na-
23 tional Recreation Area.

24 (6) All proceeds received by the Trust shall be
25 retained by the Trust without further appropriation

1 and used to offset the costs of administration, pres-
2 ervation, restoration, operation, maintenance, repair,
3 and related expenses incurred by the Trust with re-
4 spect to such properties under its jurisdiction. Upon
5 the request of the Trust, the Secretary of the Treas-
6 ury shall invest excess moneys of the Trust in public
7 debt securities with maturities suitable to the needs
8 of the Trust.

9 (7) The Trust may sue and be sued in its own
10 name to the same extent as the Federal Govern-
11 ment. Litigation arising out of the activities of the
12 Trust shall be conducted by the Attorney General,
13 as needed; the Trust may retain private attorneys to
14 provide advice and counsel.

15 (8) The Trust shall have all necessary and
16 proper powers for the exercise of the authorities in-
17 vested in it.

18 (9) For the purpose of compliance with applica-
19 ble laws and regulations concerning properties trans-
20 ferred to the Trust by the Secretary, the Trust shall
21 negotiate directly with regulatory authorities.

22 (e) INSURANCE.—The Trust shall procure insurance
23 against any loss in connection with the properties man-
24 aged by it or its authorized activities as is reasonable and
25 customary.

1 (f) BUILDING CODE COMPLIANCE.—The Trust shall
2 ensure that all properties under its jurisdiction are
3 brought into compliance with all applicable Federal build-
4 ing codes and regulations within 10 years after the enact-
5 ment of this Act.

6 (g) TAXES.—The Trust shall be exempt from all
7 taxes and special assessments of every kind in the State
8 of California, and its political subdivisions, including the
9 city and county of San Francisco to the same extent as
10 the Secretary.

11 (h) FINANCIAL INFORMATION AND REPORT.—(1) Fi-
12 nancial statements of the Trust shall be audited annually
13 in accordance with section 9105 of title 31 of the United
14 States Code.

15 (2) At the end of each calendar year, the Trust shall
16 submit to the Secretary and the Congress a comprehensive
17 and detailed report of its operations, activities, and accom-
18 plishments for the prior fiscal year. The report also shall
19 include a section that describes in general terms the
20 Trust's goals for the current fiscal year.

21 (i) SAVINGS CLAUSE.—Nothing in this section shall
22 preclude the Secretary from exercising any of the Sec-
23 retary's lawful powers within the Presidio.

24 (j) LEASING.—In managing and leasing the prop-
25 erties transferred to it, the Trust should consider the ex-

1 tent to which prospective tenants maximize the contribu-
2 tion to the implementation of the General Management
3 Plan and to the generation of revenues to offset costs of
4 the Presidio. The Trust shall give priority to the following
5 categories of tenants: tenants that enhance the financial
6 viability of the Presidio thereby contributing to the preser-
7 vation of the scenic beauty and natural character of the
8 area; tenants that facilitate the cost-effective preservation
9 of historic buildings through their reuse of such buildings,
10 or tenants that promote through their activities the gen-
11 eral programmatic content of the plan.

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

15 (l) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated such sums as may be nec-
17 essary to carry out the activities of the Trust.

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

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