

107TH CONGRESS  
1ST SESSION

# S. 689

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

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## IN THE SENATE OF THE UNITED STATES

APRIL 4, 2001

Mr. SCHUMER (for himself and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## 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 2001”.

**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 (12) in Presidential Proclamation No. 7402 of  
2 January 19, 2001, former President Clinton estab-  
3 lished the Governors Island National Monument,  
4 consisting of Castle Williams and Fort Jay, as de-  
5 picted on the map entitled “Governors Island Na-  
6 tional Monument” attached to the proclamation;

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

18 (i) public access to Governors Island;  
19 (ii) the preservation and protection of  
20 historic structures on Governors Island for  
21 future generations; and

22 (iii) the ability of local elected officials,  
23 local community boards, and community organizations to participate in the re-  
24 development of Governors Island; and  
25

(B) provides the public with educational, recreational, and cultural opportunities.

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

7 (2) to provide the general public with—

8 (A) access to Governors Island and the  
9 Governors Island National Monument;

10 (B) access to open park space and rec-  
11 reational resources;

12 (C) access to the majestic views of New  
13 York Harbor; and

14 (D) opportunities that illustrate the significant contributions of Governors Island to the  
15 history of the United States;

22 (4) to ensure that the Secretary retains the  
23 rights necessary to operate the Governors Island Na-  
24 tional Monument.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.

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

8 (3) CORPORATION.—The term “Corporation” means Governors Island Redevelopment Corporation, a subsidiary of the Empire State Development Corporation governed by a board to be appointed by the State and the City (or any successor entity).

13 (4) MANAGEMENT PLAN.—The term “management plan” means the management plan prepared under section 4(c).

16 (5) MONUMENT.—The term “Monument” means the Governors Island National Monument established by Presidential Proclamation 7402 of January 19, 2001 (66 Fed. Reg. 7855).

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

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

24 **SEC. 4. GOVERNORS ISLAND NATIONAL MONUMENT.**25 (a) TRANSFER OF ADMINISTRATIVE JURISDICTION  
26 AND MANAGEMENT.—Notwithstanding section 9101 of

1 the Balanced Budget Act of 1997 (Public Law 105–33;  
2 111 Stat. 670) or any other provision of law, not later  
3 than 180 days after the date of enactment of this Act,  
4 the Administrator shall transfer to the Secretary, for no  
5 consideration, administrative jurisdiction over, and man-  
6 agement of, the Monument.

7 (b) ADMINISTRATION.—

8 (1) IN GENERAL.—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.

### 8 (c) MANAGEMENT PLAN —

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

22 (B) other applicable law.

5 (d) RESERVATIONS.—

12 (B) for the Secretary of Transportation for  
13 the operation and maintenance of aids to navi-  
14 gation located on Governors Island.

20 (B) subject to an agreement between the  
21 Secretary and the Corporation

1 and maintenance of the Monument, subject to an  
2 agreement between the Secretary and the Corpora-  
3 tion.

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

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

9 (a) IN GENERAL.—

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

21 (2) LIMITATION.—The conveyance under para-  
22 graph (1) shall be subject to the rights of the Sec-  
23 retary described in section 4.

4 (b) USE AND REDEVELOPMENT OF GOVERNORS IS-  
5 LAND.—On completion of the conveyance under subsection  
6 (a)(1), any use of the conveyed land shall be consistent  
7 with subsections (a)(14) and (b) of section 2 and in com-  
8 pliance with—

12 (2) the document entitled "Governors Island  
13 Preservation and Design Manual"—

14 (A) developed by the Administrator in ac-  
15 cordance with—

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

18 (ii) applicable State and local historic  
19 preservation law; and

20 (B) as approved by the Administrator,  
21 State, and City.