

107TH CONGRESS
1ST SESSION

S. 689

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

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 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 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 (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) 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;

7 (13) more than 200 years of contributions to
8 the history of the United States could be lost if Gov-
9 ernors Island were to remain vacant or be sold to a
10 private entity; and

11 (14) the State of New York and the city of New
12 York have agreed to a conceptual plan to be admin-
13 istered by the Governors Island Redevelopment Cor-
14 poration, a subsidiary of the Empire State Develop-
15 ment Corporation, that—

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 offi-
23 cials, local community boards, and commu-
24 nity organizations to participate in the re-
25 development of Governors Island; and

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

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

4 (1) to provide for the protection of historic mili-
5 tary structures on Governors Island in New York
6 Harbor;

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 signifi-
15 cant contributions of Governors Island to the
16 history of the United States;

17 (3) to return to the people of the State of New
18 York property that the State of New York conveyed
19 to the Federal Government, for nominal consider-
20 ation, to provide for the defense of the United
21 States; and

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 “Adminis-
4 trator” means the Administrator of General Serv-
5 ices.

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

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

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

16 (5) MONUMENT.—The term “Monument”
17 means the Governors Island National Monument es-
18 tablished by Presidential Proclamation 7402 of Jan-
19 uary 19, 2001 (66 Fed. Reg. 7855).

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

22 (7) STATE.—The term “State” means the State
23 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.

4 (3) INTERPRETIVE SERVICES.—Subject to
5 agreement of the Corporation, the Secretary may
6 provide interpretive services and signage in the Gov-
7 ernors Island National Historic Landmark District.

8 (c) MANAGEMENT PLAN.—

9 (1) IN GENERAL.—Not later than 3 years after
10 the date of enactment of this Act, in consultation
11 with the Corporation and other appropriate public
12 and private entities, the Secretary shall prepare a
13 management plan for the Monument.

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

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 Inte-
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.

23 (3) SUBMISSION.—On completion of the man-
24 agement plan, the Secretary shall submit the man-
25 agement plan to—

1 (A) the Committee on Resources of the
2 House of Representatives; and

3 (B) the Committee on Energy and Natural
4 Resources of the Senate.

5 (d) RESERVATIONS.—

6 (1) RIGHT OF ACCESS.—As a condition of the
7 conveyance under section 5, the Administrator shall
8 reserve the right of access—

9 (A) for the Secretary to the Monument for
10 the preservation, maintenance, and public en-
11 joyment of the Monument; and

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

15 (2) UTILITIES.—The provision of and access to
16 utilities to the Monument shall be a condition of the
17 conveyance under section 5—

18 (A) in accordance with the public service
19 law of the State; and

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

22 (3) MAINTENANCE FACILITY.—As a condition
23 of the conveyance under section 5, the Administrator
24 shall reserve for the Secretary any buildings that the
25 Secretary determines necessary for the operation

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.

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

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—

9 (1) the New York State Environmental Quality
 10 Review Act (Sections 0101 through 0117 of the En-
 11 vironmental Conservation Law of New York); and

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.

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