

107TH CONGRESS
2^D SESSION

H. R. 4759

To ratify the Governors Island National Monument and the boundaries thereof, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2002

Mr. NADLER (for himself 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 ratify the Governors Island National Monument and the boundaries thereof, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Governors Island Na-
5 tional Monument Ratification Act”.

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

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

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) Between 1800 and 1811, Castle Williams
8 and Fort Jay were constructed on Governors Island
9 to anchor the defense of New York Harbor.

10 (4) During the War of 1812, the combined fire-
11 power of Castle Williams and Fort Jay and the
12 Southwest Battery in Manhattan dissuaded the Brit-
13 ish from making a direct attack on New York City,
14 which was the largest city in and principal seaport
15 of the United States at the time.

16 (5) Governors Island, including Castle Williams
17 and Fort Jay, played a significant role in the Civil
18 War, World War I, and World War II, and contin-
19 ued to serve the United States Army through 1966,
20 and thereafter the United States Coast Guard until
21 1997.

22 (6) Castle Williams is named after Lieutenant
23 Colonel Jonathan Williams, who built the semi-
24 circular “cheesebox” fort and later served as the

1 first superintendent of the Military Academy at
2 West Point.

3 (7) The pentagonal Fort Jay, named after John
4 Jay, is the complement of Fort Wood on nearby Lib-
5 erty Island, which serves as the base of the Statue
6 of Liberty.

7 (8) In Presidential Proclamation No. 7402 of
8 January 19, 2001, former President Clinton estab-
9 lished the Governors Island National Monument,
10 consisting of Castle Williams and Fort Jay and cer-
11 tain additional lands, as depicted on the map enti-
12 tled “Governors Island National Monument” at-
13 tached to the proclamation.

14 (9) The Department of Justice has issued an
15 opinion that notwithstanding the Presidential Proc-
16 lamation, the National Monument could be sold and
17 cease to exist if the rest of Governors Island is con-
18 veyed to a party other than the United States pursu-
19 ant to the Balanced Budget Act of 1997.

20 (10) More than 200 years of contributions to
21 the history of the United States, and the important
22 educational and cultural opportunities that Castle
23 Williams and Fort Jay represent, could be lost if the
24 National Monument ceased to exist.

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

1 (1) to prevent the deterioration of the historic
2 military buildings on Governors Island in New York
3 Harbor;

4 (2) to ensure that Castle Williams and Fort
5 Jay are—

6 (A) retained in Federal ownership;

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

9 (C) afforded protection by the National
10 Park Service as a unit of the National Park
11 System; and

12 (3) to provide the general public with—

13 (A) access to Governors Island;

14 (B) access to open park space to experi-
15 ence the majestic views of New York Harbor;
16 and

17 (C) opportunities that illustrate the signifi-
18 cant contributions of Governors Island to the
19 history of the United States.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) ADMINISTRATOR.—The term “Adminis-
23 trator” means the Administrator of General Serv-
24 ices.

1 (2) ISLAND.—The term “island” means Gov-
2 ernors Island, New York.

3 (3) MANAGEMENT ENTITY.—The term “man-
4 agement entity” means any person, group, entity,
5 corporation, State or local unit of government, or
6 other organization to whom the Administrator sells
7 or transfers portions of Governors Island excluding
8 the Governors Island National Monument.

9 (4) MANAGEMENT PLAN.—The term “manage-
10 ment plan” means the management plan required by
11 section 4(d).

12 (5) MONUMENT.—The term “Monument”
13 means the Governors Island National Monument es-
14 tablished by Presidential Proclamation No. 7402 of
15 January 19, 2001 (66 Fed. Reg. 7855), including
16 the building, land, and dock described on the map
17 in section 4(b).

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

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

21 (a) RATIFICATION; TRANSFER OF ADMINISTRATIVE
22 JURISDICTION AND MANAGEMENT.—Notwithstanding
23 section 9101 of the Balanced Budget Act of 1997 (Public
24 Law 105–33; 111 Stat. 670) or any other provision of
25 law—

1 (1) the establishment of the Governors Island
2 National Monument by Presidential Proclamation
3 No. 7402 of January 19, 2001 (66 Fed. Reg. 7855),
4 is hereby ratified and the Monument shall not be
5 subject to sale under such section 9101 or otherwise;
6 and

7 (2) not later than 180 days after the date of
8 the enactment of this Act, the Administrator shall
9 transfer to the Secretary, for no consideration, ad-
10 ministrative jurisdiction over, and management of,
11 the Monument.

12 (b) INCLUSION OF BUILDING, LAND, AND DOCK IN
13 BOUNDARY.—The boundary of the Governors Island Na-
14 tional Monument established by Presidential Proclamation
15 7402 shall include Building 140, its land, and Dock 102
16 as depicted on the map entitled “Governors Island Na-
17 tional Monument Boundary Map”, numbered 019/80,001,
18 and dated August 20, 2001. The map shall be on file and
19 available for inspection in the appropriate offices of the
20 National Park Service, Department of the Interior.

21 (c) ADMINISTRATION.—

22 (1) IN GENERAL.—The Monument shall be ad-
23 ministered by the Secretary in accordance with—

24 (A) this Act; and

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

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

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

13 (2) COOPERATIVE AGREEMENTS.—The Sec-
14 retary may consult, and enter into cooperative agree-
15 ments, with the Administrator or any management
16 entity to provide for the preservation, development,
17 interpretation, and use of, and access to, the Monu-
18 ment.

19 (3) INTERPRETIVE SERVICES.—Subject to an
20 agreement with the Administrator or any manage-
21 ment entity, the Secretary may provide interpretive
22 services and signage in the Governors Island Na-
23 tional Historic Landmark District.

24 (d) MANAGEMENT PLAN.—

1 (1) IN GENERAL.—Not later than January 19,
2 2004, the Secretary shall prepare a complete man-
3 agement plan for the Monument in consultation with
4 appropriate public and private entities.

5 (2) APPLICABLE LAW.—The Secretary shall
6 prepare the management plan in accordance with
7 applicable laws, including section 12(b) of the Act
8 entitled “An Act to improve the administration of
9 the National Park System by the Secretary of the
10 Interior, and to clarify the authorities applicable to
11 the system, and for other purposes”, approved Au-
12 gust 18, 1970 (16 U.S.C. 1a–7(b)).

13 (3) SUBMISSION.—On completion of the man-
14 agement plan, the Secretary shall submit a copy of
15 the management 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 (e) RESERVATIONS OF RIGHTS OF ACCESS AND
21 USE.—As a condition of the Administrator’s conveyance
22 of portions of the island to any management entity, the
23 Administrator shall reserve rights of access and use as fol-
24 lows:

1 (1) For the Secretary to the Monument for the
2 preservation, maintenance, and public enjoyment of
3 the Monument.

4 (2) For the Secretary of Transportation for the
5 operation and maintenance of aids to navigation lo-
6 cated on the island.

7 (3) For the Secretary to and for use of utilities
8 related to the Monument in accordance with the
9 public service law of the State of New York.

10 (4) For the Secretary to and for sole use of
11 Dock 102 as depicted on the map described in sec-
12 tion 4(b).

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