

the jurisdiction of the Secretary of the Interior.

The SPEAKER pro tempore, Mr. MCNULTY, by unanimous consent, designated Mr. DURBIN as Chairman of the Committee of the Whole; and after some time spent therein,

99.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. ALLARD:

Page 26, strike line 3 through 14 and insert the following:

“(t) AUTHORIZATION OF APPROPRIATIONS FOR PRESIDIO.—(1) For development of the recreation area within the Presidio as is necessary to meet the essential administrative and resource protection needs of Golden Gate National Recreation Area, there is authorized to be appropriated an amount not to exceed the development ceiling authorized in section 6 of the Act entitled “An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes,” approved October 27, 1972 (Public Law 92-589; 86 Stat. 1299; 16 U.S.C. 460bb).

“(2) For management of lands and facilities within the Presidio, there is authorized to be appropriated \$25,000,000 for fiscal year 1995. For each fiscal year thereafter, funds authorized to be appropriated to the Secretary for management of visitor use programs and development of visitor use facilities at the Presidio shall be expanded in the ratio of \$1 of Federal funds for each \$1 of funds contributed by State, city, and other non-Federal sources.

“(3) Except as provided in section 3(h)12 of this Act, no funds may be appropriated for operation or development of facilities within the Presidio which are not directly related to the administration of Golden Gate National Recreation Area or general public use programs.”

It was decided in the Yeas 171 negative Nays 244

99.14 [Roll No. 409] AYES—171

- Allard Emerson Kasich
Andrews (NJ) Everett Kim
Archer Ewing King
Army Fawell Kingston
Bachus (AL) Fields (TX) Klug
Baker (CA) Fish Knollenberg
Baker (LA) Fowler Kroll
Ballenger Franks (CT) Lambert
Barcia Franks (NJ) Lazio
Barrett (NE) Gallegly Leach
Bartlett Gekas Levy
Bateman Geren Lewis (FL)
Bentley Gingrich Lewis (KY)
Bilirakis Goodlatte Lightfoot
Blute Goodling Linder
Boehner Goss Livingston
Bonilla Grams Lucas
Bunning Grandy Machtley
Burton Greenwood Manzullo
Buyer Hall (TX) McCandless
Callahan Hancock McCollum
Calvert Hansen McCreary
Camp Hastert McHugh
Canady Hayes McInnis
Castle Hefley McKeon
Clinger Hergert McMillan
Coble Hobson Meyers
Collins (GA) Hoekstra Mica
Combust Hoke Michel
Crane Hunter Miller (FL)
Crapo Hutchinson Minge
DeLay Hyde Molinari
Dickey Inglis Myers
Doolittle Inhofe Nussle
Dornan Istook Orton
Dreier Jacobs Oxley
Duncan Johnson (CT) Packard
Dunn Johnson, Sam Paxon
Ehlers Kanjorski Penny

- Peterson (MN) Sarpalius
Petri Saxton Stump
Pickett Schaefer Talent
Pombo Schiff Tauzin
Portman Schroeder Taylor (MS)
Poshard Sensenbrenner Taylor (NC)
Pryce (OH) Shaw Thomas (CA)
Quillen Shays Thomas (WY)
Quinn Shuster Torkildsen
Ramstad Smith (MI) Upton
Ridge Smith (NJ) Vucanovich
Roberts Smith (OR) Walker
Rogers Smith (TX) Walsh
Rohrabacher Snow Weldon
Ros-Lehtinen Solomon Wolf
Roth Spence Young (AK)
Royce Stearns Young (FL)
Santorum Stenholm Zeliff
Zimmer

NOES—244

- Abercrombie Gillmor Nadler
Ackerman Gilman Neal (MA)
Andrews (ME) Glickman Neal (DC)
Andrews (TX) Gonzalez Norton (DC)
Applegate Gordon Oberstar
Bacchus (FL) Green Obey
Baesler Gunderson Olver
Barca Gutierrez Ortiz
Barlow Hall (OH) Pallone
Barrett (WI) Hamburg Parker
Becerra Hamilton Pastor
Beilenson Harman Payne (NJ)
Bereuter Hastings Payne (VA)
Berman Hefner Pelosi
Bevill Hilliard Peterson (FL)
Bilbray Hinchey Pickle
Bishop Hoagland Pomeroy
Boehlert Hochbruckner Porter
Borski Holden Price (NC)
Boucher Horn Rahall
Brooks Hoyer Rangel
Browder Huffington Ravenel
Brown (CA) Hughes Reed
Brown (FL) Hutto Regula
Brown (OH) Inslee Richardson
Bryant Jefferson Roemer
Byrne Johnson (GA) Romero-Barcelo
Cantwell Johnson (SD) (PR)
Cardin Johnson, E.B. Rostenkowski
Carr Johnston Roukema
Chapman Kaptur Rowland
Clay Kennedy Roybal-Allard
Clayton Kennelly Rush
Clyburn Kildee Sabo
Coleman Kleczka Sanders
Collins (MI) Klink Sangmeister
Condit Kolbe Sawyer
Conyers Kopetski Schenk
Coppersmith Kreidler Schumer
Costello LaFalce Scott
Cox Lancaster Serrano
Coyne LaRocco Sharp
Cramer Laughlin Shepherd
Cunningham Lehman Skaggs
Danner Levin Skeen
Darden Lewis (CA) Skelton
de la Garza Lewis (GA) Slaughter
de Lugo (VI) Lipinski Smith (IA)
Deal Lloyd Spratt
DeFazio Long Stark
DeLauro Lowey Stokes
Dellums Maloney Strickland
Derrick Mann Studts
Deutsch Manton Stupak
Diaz-Balart Margolies-Swett
Dicks Mezvinsky Swift
Dingell Markey Synar
Dixon Martinez Tanner
Dooley Matsui Tejada
Durbin Mazzoli Thompson
Edwards (CA) McCloskey Thornton
Edwards (TX) McCurdy Thurman
Engel McDermott Torres
English McHale Torricelli
Eshoo McKinney Towns
Evans McNulty Traficant
Farr Meehan Tucker
Fazio Meek Underwood (GU)
Fields (LA) Menendez Unsoeld
Filner Mfume Valentine
Fingerhut Miller (CA) Velazquez
Flake Mineta Vento
Foglietta Mink Visclosky
Ford (MI) Moakley Volkmer
Frank (MA) Mollohan Waters
Montgomery Watt
Moorehead Waxman
Morella Wheat
Murphy Whitten Williams
Murtha

- Wilson Wise
Woolsey Wyden
Wynn Yates

NOT VOTING—24

- Barton Faleomavaega Moran
Blackwell (AS) Owens
Bilely Ford (TN) Reynolds
Bonior Gallo Rose
Brewster Gephardt Sisisky
Clement Houghton Slattery
Collins (IL) Klein Sundquist
Cooper Lantos Washington
McDade

So the amendment was not agreed to. After some further time,

99.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. GRAMS:

Page 26, line 12, strike “year.” and insert the following: “year, which amount may not be adjusted upward for inflation before the end of fiscal year 2009.”

Page 26, after line 14, insert the following: Of such aggregate amount, not more than the following amounts may be made available for operations for the fiscal year indicated:

- (1) \$24,100,000 for fiscal year 1996.
(2) \$20,400,000 for fiscal year 1997.
(3) \$19,100,000 for fiscal year 1998.
(4) \$16,500,000 for fiscal year 1999.
(5) \$16,100,000 for fiscal year 2000.
(6) \$15,900,000 for fiscal year 2001.
(7) \$14,300,000 for fiscal year 2002.
(8) \$12,600,000 for fiscal year 2003.
(9) \$12,400,000 for fiscal year 2004.
(10) \$12,600,000 for fiscal year 2005.
(11) \$12,700,000 for fiscal year 2006.
(12) \$12,600,000 for fiscal year 2007.
(13) \$12,500,000 for fiscal year 2008.
(14) \$13,000,000 for fiscal year 2009.

It was decided in the Yeas 190 negative Nays 227

99.16 [Roll No. 410] AYES—190

- Allard Dornan Istook
Archer Dreier Jacobs
Army Duncan Johnson (CT)
Bachus (AL) Dunn Johnson, Sam
Baker (CA) Edwards (TX) Kanjorski
Baker (LA) Ehlers Kaptur
Ballenger Emerson Kasich
Barca Everett Kim
Barcia Ewing King
Barrett (NE) Fawell Kingston
Bartlett Fields (TX) Klug
Bateman Fish Knollenberg
Bentley Fowler Kolbe
Bereuter Franks (CT) Kyl
Bilirakis Franks (NJ) Lambert
Blute Gallegly Lazio
Boehlert Gekas Leach
Boehner Geren Levy
Bonilla Gilchrest Lewis (FL)
Brewster Gillmor Lewis (KY)
Browder Gingrich Lightfoot
Bunning Goodlatte Linder
Burton Goodling Livingston
Buyer Lucas
Callahan Grams Machtley
Calvert Grandy Manzullo
Camp Greenwood McCandless
Canady Gunderson McCollum
Castle Hall (TX) McCreary
Chapman Hancock McHugh
Clinger Hansen McInnis
Coble Hastert McKeon
Collins (GA) Hefley McMillan
Combust Hergert Meyers
Cox Hobson Mica
Cramer Hoekstra Michel
Crane Hoke Miller (FL)
Crapo Holden Minge
Cunningham Hunter Molinari
DeLay Hutchinson Moorhead
Diaz-Balart Hyde Myers
Dickey Inglis Nussle
Doolittle Inhofe Orton

Oxley	Roukema	Stenholm
Packard	Rowland	Stump
Paxon	Royce	Sweet
Payne (VA)	Santorum	Talent
Penny	Sarpalius	Taylor (MS)
Petri	Saxton	Taylor (NC)
Pickett	Schaefer	Thomas (CA)
Pombo	Schiff	Thomas (WY)
Porter	Sensenbrenner	Torkildsen
Portman	Shaw	Upton
Pryce (OH)	Shays	Vucanovich
Quillen	Shuster	Walker
Quinn	Skeen	Walsh
Ramstad	Smith (MI)	Weldon
Regula	Smith (NJ)	Wolf
Ridge	Smith (OR)	Young (AK)
Roberts	Smith (TX)	Young (FL)
Rogers	Snowe	Zeliff
Rohrabacher	Solomon	Zimmer
Ros-Lehtinen	Spence	
Roth	Stearns	

NOES—227

Abercrombie	Hall (OH)	Pallone
Ackerman	Hamburg	Parker
Andrews (ME)	Hamilton	Pastor
Andrews (NJ)	Harman	Payne (NJ)
Andrews (TX)	Hastings	Pelosi
Applegate	Hayes	Peterson (FL)
Bacchus (FL)	Hefner	Peterson (MN)
Baesler	Hilliard	Pickle
Barlow	Hinchee	Pomeroy
Barrett (WI)	Hoagland	Poshard
Becerra	Hochbruckner	Price (NC)
Beilenson	Horn	Rahall
Berman	Hoyer	Rangel
Bevill	Huffington	Ravenel
Bilbray	Hughes	Reed
Bishop	Hutto	Richardson
Blackwell	Inslee	Roemer
Borski	Jefferson	Romero-Barcelo
Boucher	Johnson (GA)	(PR)
Brooks	Johnson (SD)	Rostenkowski
Brown (CA)	Johnson, E.B.	Roybal-Allard
Brown (FL)	Johnston	Rush
Brown (OH)	Kennedy	Sabo
Bryant	Kennelly	Sanders
Byrne	Kildee	Sangmeister
Cantwell	Klecza	Sawyer
Cardin	Klink	Schenk
Carr	Kopetski	Schroeder
Clay	Kreidler	Schumer
Clayton	LaFalce	Scott
Clyburn	Lancaster	Serrano
Coleman	LaRocco	Sharp
Collins (MI)	Laughlin	Shepherd
Condit	Lehman	Skaggs
Conyers	Levin	Skelton
Coppersmith	Lewis (CA)	Slaughter
Costello	Lewis (GA)	Smith (IA)
Coyne	Lipinski	Spratt
Danner	Lloyd	Stark
Darden	Long	Stokes
de la Garza	Lowe	Strickland
de Lugo (VI)	Maloney	Studds
Deal	Mann	Stupak
DeFazio	Manton	Swift
DeLauro	Margolies-	Synar
Dellums	Mezvinsky	Tanner
Derrick	Markey	Tauzin
Deutsch	Martinez	Tejeda
Dicks	Matsui	Thompson
Dingell	Mazzoli	Thornton
Dixon	McCloskey	Thurman
Dooley	McCurdy	Torres
Durbin	McDermott	Torrice
Edwards (CA)	McHale	Towns
Engel	McKinney	Traficant
English	McNulty	Tucker
Eshoo	Meehan	Underwood (GU)
Evans	Meek	Unsoeld
Farr	Menendez	Valentine
Fazio	Mfume	Velazquez
Fields (LA)	Miller (CA)	Vento
Filner	Mineta	Visclosky
Fingerhut	Mink	Volkmer
Flake	Moakley	Waters
Foglietta	Mollohan	Watt
Ford (MI)	Montgomery	Waxman
Frank (MA)	Morella	Wheat
Frost	Murphy	Whitten
Furse	Murtha	Williams
Gejdenson	Nadler	Wilson
Gibbons	Neal (MA)	Wise
Gilman	Neal (NC)	Woolsey
Glickman	Norton (DC)	Wyden
Gonzalez	Oberstar	Wynn
Gordon	Obey	Yates
Green	Olver	
Gutierrez	Ortiz	

NOT VOTING—22

Barton	Ford (TN)	Owens
Biiley	Gallo	Reynolds
Bonior	Gephardt	Rose
Clement	Houghton	Sisisky
Collins (IL)	Klein	Slattery
Cooper	Lantos	Sundquist
Faleomavaega	McDade	Washington
(AS)	Moran	

So the amendment was not agreed to. After some further time,

The SPEAKER pro tempore, Mr. McNULTY, assumed the Chair.

When Mr. DURBIN, Chairman, pursuant to House Resolution 516, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. FINDINGS.

The Congress finds that—

(1) the Presidio of San Francisco, located amidst the incomparable scenic splendor of the Golden Gate, is one of America's great natural and historic sites;

(2) the Presidio is the oldest continually operating military post in the Nation dating from 1776, and was designated as a National Historic Landmark in 1962;

(3) preservation of the cultural and historic integrity of the Presidio for public use would give due recognition to its significant role in the history of the United States;

(4) the Presidio in its entirety will transfer to the jurisdiction of the National Park Service on September 30, 1994, in accordance with Public Law 92-589;

(5) as part of the Golden Gate National Recreation Area, the Presidio's outstanding natural, historic, scenic, cultural and recreational resources must be managed in a manner which is consistent with sound principles of land use planning and management, and which protect the Presidio from development and uses which would destroy the scenic beauty and natural character of the area;

(6) activities and management at the Presidio must be consistent with both the Act establishing the Golden Gate National Recreation Area (Public Law 92-589) and the General Management Plan for the Golden Gate National Recreation Area, as amended;

(7) the Presidio will be a global center dedicated to addressing the world's most critical environmental, social, and cultural challenges and a working laboratory at which models of environmental sustainability shall be developed;

(8) the Presidio, as an urban park, will be managed in a manner that is responsive to the concerns of the public and cognizant of its impact on the local community, and as a public resource, will reflect, in both activities and management, of the diversity that exists in the surrounding community; and

(9) the Presidio will be managed in an innovative public/private partnership that minimizes cost to the United States Treasury and makes efficient use of private sector resources that could be utilized in the public interest.

SEC. 2. AMENDMENT OF ACT ESTABLISHING GOLDEN GATE NATIONAL RECREATION AREA.

(a) STATEMENT OF PURPOSES.—Section 1 of the Act entitled "An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes", approved October 27, 1972 (Public Law 92-589; 86 Stat. 1299; 16 U.S.C. 460bb), is amended by inserting the following after the second sen-

tence: "In addition, the Secretary may utilize the resources of the Presidio of San Francisco to provide for and support programs and activities that foster research, education or demonstration projects, and relate to the environment, energy, transportation, international affairs, arts and cultural understanding, health and science."

(b) ADMINISTRATION.—Section 4 of such Act is amended by adding the following new subsection at the end thereof:

"(g) INTERIM AUTHORITY.—(1) In addition to other available authorities, the Secretary may, in his discretion, negotiate and enter into leases, as appropriate, with any person, firm, association, organization, corporation or governmental entity for the use of any property within the Presidio in accordance with the General Management Plan and any of the purposes set forth in section 1 of this Act.

"(2) In addition to other available authorities, the Secretary may, in his discretion, enter into—

"(A) interagency permitting agreements or other appropriate agreements with the Secretary of Defense and the Director of the Federal Emergency Management Agency, and

"(B) leases with the American Red Cross, to house their activities and employees at the Presidio.

"(3) Any leases or other appropriate agreements entered into under this subsection shall be subject to such procedures, terms, conditions and restrictions as the Secretary deems necessary. The Secretary is authorized to negotiate and enter into leases or other agreements, at fair market value and without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), fair market value shall take into account the uses permitted by the General Management Plan and this Act. The preceding sentence shall not apply to any interagency permitting agreement entered into between the Secretary and the Secretary of Defense regarding the housing of activities and employees of the Sixth United States Army. For purposes of any such lease or other agreements, the Secretary may adjust the rental by taking into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to the leased properties.

"(4) The proceeds from leases under this subsection, and from concession and other use authorizations and from other services that may be provided by the recreation area under this subsection shall be retained by the Secretary for 5 years after the date of enactment of this paragraph or until the leased property is transferred to the Presidio Trust and shall be available without further appropriation and used to offset the costs of preservation, restoration, maintenance, improvement, repair and related expenses including administration of the above, incurred by the Secretary with respect to Presidio properties, with the balance used to offset other costs incurred by the Secretary in the administration of the Presidio.

"(5) Each lessee of a lease entered into under this subsection shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the lease have been and are being faithfully performed. The Secretary and the Comptroller General and their duly authorized representatives shall, for the purpose of audit and examination, have access to financial records pertinent to the lease and all the terms and conditions thereof.

"(6) The Secretary shall annually prepare and submit to Congress a report on property leased under this subsection.

"(7) In addition to other available authorities, the Secretary may, in his discretion,

enter into cooperative agreements and permits for any of the purposes of the recreation area set out in section 1 of this Act.”.

SEC. 3. THE PRESIDIO TRUST.

(a) ESTABLISHMENT.—There is established within the Department of the Interior a non-profit public benefit government corporation to be known as the Presidio Trust (hereinafter in this Act referred to as the “Trust”). The Trust shall manage, in accordance with the purposes set forth in section 1 of the Act entitled “An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes”, approved October 27, 1972 (Public Law 92-589; 86 Stat. 1299; 16 U.S.C. 460bb), and with this Act, the leasing, maintenance, rehabilitation, repair and improvement of property within the Presidio which is transferred to the Trust by the Secretary of the Interior (hereinafter in this Act referred to as the “Secretary”). The Trust may participate in the development of programs and activities at the properties that have been transferred to the Trust.

(b) TRANSFER.—Except as provided in this subsection, the Secretary shall transfer to the Trust, under such terms and conditions as the Secretary deems appropriate, a leasehold in the following properties within the Presidio under the control of the Secretary: the Letterman-LAIR complex, Fort Scott, Main Post, Cavalry Stables, Presidio Hill, Wherry Housing, East Housing, the structures at Crissy Field, and such other properties, within the Presidio as the Secretary and the Trust deems appropriate. Any such property shall be transferred within 60 days after a request is made by the Trust. The leasehold shall be of sufficient term to enable the Trust to obtain necessary and beneficial financing arrangements and to carry out the purposes of this Act. The Secretary may withhold transfer to the Trust of any buildings necessary to house or support activities of the National Park Service. The Secretary may not transfer to the Trust any property irrevocably permitted to the Department of the Army. The Secretary shall transfer, with any transferred property, all leases, concessions, licenses and other agreements affecting such transferred property. The Secretary may transfer any properties within the Presidio to the Trust not requested by the Trust subject to terms and conditions mutually agreed to by the Secretary and the Trust. All proceeds received by the Presidio Trust from the leasing of properties managed by the Trust within the Presidio shall be retained by the Trust without further appropriation and used to offset the costs of administration, preservation, restoration, operation, maintenance, repair, and related expenses incurred by the Trust with respect to such properties.

(c) BOARD OF DIRECTORS.—(1) The powers and management of the Trust shall be vested in a Board of Directors consisting of 13 members, as follows:

(A) The Director of the National Park Service.

(B) Secretary of the Army.

(C) Administrator of the Environmental Protection Agency.

(D) Ten individuals, who are not employees of the Federal Government, appointed by the Secretary within 6 months after the date of the enactment of this Act, 6 of whom shall have knowledge and experience in one or more of the fields of the environment, energy, transportation, international affairs, health, science, education, or any other such field related to the activities at the Presidio; 4 of whom shall have knowledge and experience in one or more of the fields of city planning, finance, real estate, labor or historic preservation. With respect to the 10 individuals, 5 shall meet the additional requirement of possessing extensive knowledge of the region in which the Presidio is located.

Each member of the Board of Directors specified in subparagraphs (A) through (C) paragraph (1) may designate (through written notice to the Secretary and Chairman of the Board) an alternative senior official (classified as Senior Executive Service) of his or her department or agency who may serve on the Board in his or her stead. The Secretary of the Army shall serve on the Board until such time as the Sixth Army Headquarters ceases to maintain a presence at the Presidio. In such an event, the Secretary of Energy shall replace the Secretary of the Army on the Board.

(d) TERMS OF BOARD MEMBERS.—Each member of the Board of Directors appointed under subparagraph (D) of subsection (c)(1) shall serve for a term of 5 years from the expiration of his or her predecessor's term; except that the Secretary, in making the initial appointments to the Board under subparagraph (D), shall appoint 3 Directors to a term of 2 years and 3 Directors to a term of 3 years. Any vacancy on the Board of Directors shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of the term for which his or her predecessor was appointed. Each member shall continue to serve after the expiration of his or her term until his or her successor is appointed. No appointed director may serve more than 10 years in consecutive terms.

(e) ORGANIZATION AND COMPENSATION.—(1) The Board of Directors shall elect at the initial meeting a Chairman and a Vice Chairman from among the members of the Board of Directors. The Director of the National Park Service shall serve as Chairman until such time as the Board holds such election.

(2) The Board of Directors may establish an Executive Committee within the Board and other such committees within the Board as it deems appropriate, and delegate such powers to such committees as the Board determines appropriate to carry out its functions and duties. Any such committees established by the Board may meet and take action on behalf of the Board between meetings to the extent the Board delegates such authority. Delegations to such committees shall not relieve the Board of full responsibility for the carrying out of its functions and duties, and shall be revocable by the Board in its exclusive judgment.

(3) Members of the Board of Directors shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Trust.

(4) The Board of Directors shall meet at the call of the Chairman, who shall require it to meet not less often than once every 6 months. A majority of the members of the Board of Directors (or their designated alternates) shall constitute a quorum. The Board shall hold at least one public meeting per year at the Presidio at which time the Board shall report on its operations, accomplishments and goals for the upcoming year.

(5) Members of the Board of Directors shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act and other statutes defining legal liability.

(f) STAFF.—The Board of Directors shall have the power to appoint and fix the compensation and duties of an Executive Director and such other officers and employees of the Trust as may be necessary for the efficient administration of the Trust. Officers and employees of the Trust may be appointed and compensated without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code

(relating to classification and General Schedule pay rates), except that no such officer or employee may receive a salary which exceeds the salary payable to officers or employees of the United States classified a level IV of the Executive Schedule.

(g) EXPERTS AND CONSULTANTS.—The Board of Directors is authorized to procure the services of experts or consultants, or organizations, including but not limited to urban planners, architects, engineers, and appraisers.

(h) AUTHORITIES.—In exercising its powers and duties, the Trust shall act in accordance with both the approved General Management Plan, as amended (hereinafter in this Act referred to as the “Plan”) and the Act entitled “An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes”, approved October 27, 1972 (Public Law 92-589; 86 Stat. 1299; 16 U.S.C. 460bb), and have the following authorities:

(1) The Trust shall manage, maintain, improve and repair those properties within the Presidio which are transferred to the Trust by the Secretary.

(2) The Trust shall publish and disseminate information and make known to potential occupants, by advertisement, solicitation, or other means, the availability of the property within the Presidio which the Trust manages.

(3) The Trust may prepare or cause to be prepared plans, specifications, designs, and estimates of costs for the rehabilitation, improvement, alteration, or repair of any property managed by the Trust, and from time to time may modify such plans, specifications, designs, or estimates.

(4)(A) The Trust may negotiate and enter into agreements, including contracts, leases, and cooperative agreements, with any person (including any governmental entity) for the occupancy of any property within the Presidio which the Trust manages.

(B) Agreements under this paragraph shall be subject to procedures established by the Secretary under paragraph (5).

(C) Agreements under this paragraph may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(5) The Secretary shall establish procedures for agreements under paragraph (4), including a requirement that in entering into such agreements the Trust shall obtain such competition as is practicable in the circumstances.

(6) The Trust shall establish (through easements, covenants, regulations, agreements, or otherwise) such restrictions, standards, and requirements as are necessary to assure the maintenance, protection, and aesthetic character of the property managed by the Trust.

(7) The Trust may make commercially reasonable loans to the occupants of property managed by the Trust for the preservation, restoration, maintenance, or repair of such property.

(8) The Trust may provide technical assistance to the occupants of property managed by the Trust, to assist such occupants in making repairs or improvements to the property or applying for loans under paragraph (7) of this section.

(9) The Trust and the Secretary may solicit and the Trust may accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private entities, and from public entities, for the purpose of carrying out its duties.

(10) The Trust may retain any revenues from leases or other agreements concerning property managed by the Trust, including preexisting leases or agreements and any donations, and use the proceeds without further appropriation to offset any costs for any

function of the Trust authorized by this Act, except for those moneys transferred to the Secretary as stipulated in paragraph (11).

(11) The Secretary and the Trust shall agree on an amount of revenues received by the Trust to be transferred to the Secretary, to be applied by the Secretary, without further appropriation or offset to appropriation, for common operating and maintenance expenses at the Presidio.

(12)(A) The Trust may not (directly or indirectly) borrow funds from any source other than the Secretary of the Treasury as provided in this paragraph.

(B) Except as provided in subparagraph (F), if at any time the funds available to the Trust are insufficient to enable the Trust to discharge its responsibilities under this Act, the Trust may issue obligations to the Secretary of the Treasury, but only if the Secretary of the Treasury agrees to purchase such obligations after determining that the projects to be funded from the proceeds thereof are credit worthy.

(C) The aggregate amount of obligations issued under this paragraph which are outstanding at any one time may not exceed \$150,000,000.

(D) Obligations issued under this paragraph—

(i) shall be in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury, and

(ii) shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

(E) No funds appropriated to the Trust may be used for repayment of principal or interest on, or redemption of, obligations issued under this paragraph.

(F) The Secretary of the Treasury may purchase obligations issued under this paragraph only to the extent provided in advance in appropriation Acts.

(13) Upon the request of the Trust, the Secretary of the Treasury shall invest excess moneys of the Trust in public debt securities with maturities suitable to the needs of the Trust, as determined by the Trust, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

(14) The Trust may enter into and perform such contracts and other transactions with any person, firm, association, organization, corporation or governmental entity as may be necessary or appropriate to the conduct of activities authorized under this Act.

(15) The Trust may execute all instruments necessary or appropriate in the exercise of any of its functions under this Act, and may delegate to the Executive Director such of its powers and responsibilities as it deems appropriate and useful for the administration of the Trust.

(16) The Trust may obtain by purchase, rental, donation, or otherwise, such goods and services as may be needed to carry out its duties. In the event of the termination of the Trust, all property and unexpended funds shall be transferred to the Department of the Interior, except that such funds shall only be expended for the purposes of this Act.

(17) The Trust shall procure insurance against any loss in connection with the properties managed by it as is reasonable and customary; and shall procure such additional insurance for losses arising out of any of its authorized activities as is reasonable and customary.

(18) The Trust may sue and be sued in its name. All litigation arising out of the activities of the Trust shall be conducted by the

Attorney General; the Trust may retain private attorneys to provide advice and counsel on transactional issues.

(19) The Trust may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised.

(20) The Trust shall have perpetual succession.

(21) The Trust shall have an official seal selected by the Board which shall be judicially noticed.

(22) The Trust shall have all necessary and proper powers for the exercise of the authorities invested in it.

(23) For purposes of complying with section 106 of the National Historic Preservation Act, the Trust may work directly with the National Park Service, the State Historic Preservation Office, and the Advisory Council on Historic Preservation and enter into programmatic agreements, where appropriate.

(i) USE OF FEDERAL PERSONNEL, FACILITIES, AND SERVICES.—The Secretary and the heads of other Federal departments and agencies may provide personnel, facilities, and other administrative services to the Trust to assist it in carrying out its duties under this Act. Furthermore, the Secretary and the heads of other Federal departments and agencies may loan or transfer to the Trust excess or surplus personal property deemed necessary for the management of the Presidio.

(j) TAXES.—Since the exercise of the powers granted by this section will be in all respects for the benefit of the people, the Trust is hereby declared to be devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of every kind of the State of California, and its political subdivisions, including the City and County of San Francisco.

(k) VOLUNTEERS.—The Secretary may accept, without regard to the Civil Service classification laws, rules, or regulations, the services of the Trust, the Board, and the officers, and employees and consultants of the Board, without compensation from the Department of the Interior, as volunteers in the performance of the functions authorized herein, in the manner provided for under the Volunteers in the Parks Act of 1969 (16 U.S.C. 18g et seq.).

(l) SAVINGS CLAUSE.—Nothing in this section shall preclude the Secretary from exercising any of his or her lawful powers within the Presidio.

(m) AFFIRMATIVE ACTION.—The Trust shall ensure that affirmative steps are taken, consistent with other Federal law, to afford equal access and equal opportunities for leases, concessions, contracts, subcontracts, and other contracting and employment opportunities to minorities, women, and other socially and economically disadvantaged individuals, commensurate with local availability.

(n) FINANCIAL RECORDS.—The financial records of the Trust shall be available for inspection by the Secretary, the Inspector General of the Department of the Interior, and the Comptroller General at any time and shall be audited by a reputable firm of certified public accountants not less frequently than once each year. Such audit shall be made available to the Secretary and the Congress. The Trust shall be subject to the provisions of the Government Corporation Control Act (31 U.S.C. 9109 et seq.), including the budget and credit provisions, except that the Trust shall submit its budget through and in consultation with the Secretary.

(o) LEASING.—In managing and leasing the properties transferred to it, the Trust should consider the extent to which prospective tenants maximize the contribution to the imple-

mentation of the General Management Plan and to the generation of revenues to offset costs of the Presidio. If the Trust has difficulty securing a tenant for a property under its control, it may enter into negotiation with a prospective tenant whose proposed use may be inconsistent with the approved General Management Plan. The Trust may not enter into a lease which is inconsistent with the approved General Management Plan unless the Secretary makes a finding that the proposed lease will not have a detrimental effect on the natural, historical, scenic and recreational values for which the Golden Gate National Recreation Area was established. For major leasing actions, the Trust shall submit the proposed lease to the Secretary of the Interior or his designee for a period of 10 working days for his review of the lease for consistency with the General Management Plan. Before executing the lease, the Trust shall consider issues of consistency raised by the Secretary or his designee.

(p) APPLICATION OF OTHER LAWS.—(1) All general penal statutes relating to the larceny, embezzlement, or conversion of public moneys or property of the United States shall apply to the moneys and property of the Trust.

(2)(A) Except as provided in subparagraphs (B) and (C), Federal laws and regulations governing procurement by Federal agencies shall apply to the Trust.

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

(C) The Secretary may authorize the Trust, in carrying out the requirement of section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) to furnish to the Secretary of Commerce for publication notices of proposed procurement actions, to use as the applicable dollar threshold for each expected procurement an amount which does not exceed \$1,000,000.

(q) GOLDEN GATE NATIONAL RECREATION AREA ADVISORY COMMISSION.—The Trust shall maintain liaison with the Golden Gate National Recreation Area Advisory Commission in matters relating to the General Management Plan, and shall meet with the Commission at least annually.

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

(s) REPORT.—The Trust shall transmit to the Secretary and the Congress, annually each January, a comprehensive and detailed report of its operations, activities, and accomplishments for the prior fiscal year. The report also shall include a section that describes, in general terms, the Trust's goals for the current fiscal year. The portion of the report containing the audited financial statement may be submitted at a later date, but no later than the first day of March of such year.

(t) AUTHORIZATION OF APPROPRIATIONS FOR PRESIDIO.—For purposes of the Presidio, including the Presidio Trust, there is authorized to be appropriated to the Secretary such sums as may be necessary, but the aggregate of funds appropriated for purposes of the Presidio (excluding the Presidio Trust) under this subsection and under the Act entitled "An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes", approved October 27, 1972 (Public Law 92-589; 86 Stat. 1299; 16 U.S.C. 460bb) may not exceed \$25,000,000 in any one fiscal year. Funds appropriated under this Act (other than funds

appropriated for operations) remain available until expended.

(u) SEPARABILITY OF PROVISIONS.—If any provisions of this Act or the application thereof to any body, agency, situation, or circumstance is held invalid, the remainder of the Act and the application of such provision to other bodies, agencies, situations, or circumstances shall not be affected thereby.

(v) The provisions of the Act of March 3, 1931 (40 U.S.C. 276a et seq.; commonly known as the Davis-Bacon Act), and the provisions of the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), shall apply to the Trust. All laborers and mechanics employed on the construction, rehabilitation, reconstruction, alteration, or repair of projects funded in whole or in part by the Trust and projects financed in whole or in part by loans, grants, loan guarantees, or any other assistance by the Trust shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a et seq.; commonly known as the Davis-Bacon Act). The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

SEC. 4. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 5. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 6. PROHIBITION OF CONTRACTS.

It has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or sub-contract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. McNULTY, announced that the yeas had it.

The question being put, viva voce, Will the House pass said bill?

Mr. HANSEN demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 245
Nays 168

¶99.17 [Roll No. 411] AYES—245

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|--------------|---------------|---------------|
| Abercrombie | Gillmor | Oberstar |
| Ackerman | Gilman | Obey |
| Andrews (ME) | Glickman | Olver |
| Andrews (NJ) | Gonzalez | Ortiz |
| Andrews (TX) | Gordon | Pallone |
| Applegate | Green | Pastor |
| Bacchus (FL) | Gutierrez | Payne (NJ) |
| Baesler | Hamburg | Payne (VA) |
| Baker (CA) | Hamilton | Pelosi |
| Barlow | Harman | Peterson (FL) |
| Barrett (WI) | Hastings | Pickle |
| Becerra | Hayes | Pomeroy |
| Beilenson | Hefner | Porter |
| Bereuter | Hilliard | Poshard |
| Berman | Hinchev | Price (NC) |
| Bevill | Hoagland | Rahall |
| Bilbray | Hobson | Rangel |
| Bishop | Hochbrueckner | Ravenel |
| Blackwell | Holden | Reed |
| Boehlert | Horn | Regula |
| Bonior | Hoyer | Richardson |
| Borski | Huffington | Roemer |
| Boucher | Hughes | Rostenkowski |
| Brooks | Hutto | Roukema |
| Browder | Inslee | Rowland |
| Brown (CA) | Jefferson | Roybal-Allard |
| Brown (FL) | Johnson (GA) | Rush |
| Brown (OH) | Johnson (SD) | Sabo |
| Bryant | Johnson, E.B. | Sanders |
| Byrne | Johnston | Sangmeister |
| Cantwell | Kennedy | Sawyer |
| Cardin | Kennelly | Schenk |
| Carr | Kildee | Schumer |
| Clay | Kim | Scott |
| Clayton | Kleczka | Serrano |
| Clinger | Klink | Sharp |
| Clyburn | Kolbe | Shaw |
| Coleman | Kopetski | Shepherd |
| Collins (MI) | Kreidler | Skaggs |
| Condit | LaFalce | Skelton |
| Conyers | Lambert | Slaughter |
| Coppersmith | Lancaster | Smith (IA) |
| Costello | LaRocco | Spratt |
| Cox | Laughlin | Stark |
| Coyne | Lehman | Stokes |
| Cunningham | Levin | Strickland |
| Danner | Lewis (GA) | Studds |
| Darden | Lipinski | Stupak |
| de la Garza | Lloyd | Swift |
| Deal | Lowey | Synar |
| DeFazio | Maloney | Tauzin |
| DeLauro | Mann | Tejeda |
| Dellums | Manton | Thompson |
| Derrick | Margolies- | Thornton |
| Deutsch | Mezvinsky | Thurman |
| Diaz-Balart | Markey | Torkildsen |
| Dicks | Martinez | Torres |
| Dingell | Matsui | Torricelli |
| Dixon | Mazzoli | Towns |
| Dooley | McCloskey | Trafficant |
| Durbin | McCurdy | Tucker |
| Edwards (CA) | McDermott | Unsoeld |
| Ehlers | McHale | Valentine |
| Engel | McKinney | Velazquez |
| English | McMillan | Vento |
| Eshoo | McNulty | Visclosky |
| Evans | Meehan | Volkmer |
| Farr | Meek | Walsh |
| Fazio | Menendez | Waters |
| Fields (LA) | Mfume | Watt |
| Filner | Miller (CA) | Waxman |
| Fingerhut | Mineta | Weldon |
| Flake | Mink | Wheat |
| Foglietta | Moakley | Whitten |
| Ford (MI) | Mollohan | Williams |
| Frank (MA) | Montgomery | Wilson |
| Frost | Morella | Wise |
| Furse | Murphy | Wolf |
| Gejdenson | Murtha | Woolsey |
| Gephardt | Nadler | Wyden |
| Gibbons | Neal (MA) | Wynn |
| Gilchrist | Neal (NC) | Yates |

NOES—168

- | | | |
|-------------|--------------|----------|
| Allard | Barcia | Boehner |
| Archer | Barrett (NE) | Bonilla |
| Armey | Bartlett | Brewster |
| Bachus (AL) | Bateman | Bunning |
| Baker (LA) | Bentley | Burton |
| Ballenger | Bilirakis | Buyer |
| Barca | Blute | Callahan |

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|--------------|---------------|---------------|
| Calvert | Hyde | Petri |
| Camp | Inglis | Pickett |
| Canady | Inhofe | Pombo |
| Castle | Istook | Portman |
| Chapman | Jacobs | Pryce (OH) |
| Coble | Johnson (CT) | Quillen |
| Collins (GA) | Johnson, Sam | Quinn |
| Combest | Kanjorski | Ramstad |
| Cramer | Kaptur | Ridge |
| Crane | Kasich | Roberts |
| Crapo | King | Rogers |
| DeLay | Kingston | Rohrabacher |
| Dickey | Klug | Ros-Lehtinen |
| Doolittle | Knollenberg | Roth |
| Dornan | Kyl | Royce |
| Dreier | Lazio | Santorum |
| Duncan | Leach | Sarpalius |
| Dunn | Levy | Saxton |
| Edwards (TX) | Lewis (CA) | Schaefer |
| Emerson | Lewis (FL) | Schiff |
| Everett | Lewis (KY) | Schroeder |
| Ewing | Lightfoot | Sensenbrenner |
| Fawell | Linder | Shays |
| Fields (TX) | Long | Shuster |
| Fish | Lucas | Skeen |
| Fowler | Machtley | Smith (MI) |
| Franks (CT) | Manzullo | Smith (NJ) |
| Franks (NJ) | McCandless | Smith (OR) |
| Gallegly | McCollum | Smith (TX) |
| Gekas | McCrery | Snowe |
| Geren | McHugh | Solomon |
| Gringrich | McInnis | Spence |
| Goodlatte | McKeon | Stearns |
| Goodling | Meyers | Stenholm |
| Goss | Mica | Stump |
| Grams | Michel | Sweet |
| Grandy | Miller (FL) | Talent |
| Greenwood | Minge | Tanner |
| Gunderson | Molinari | Taylor (MS) |
| Hall (TX) | Moorhead | Taylor (NC) |
| Hancock | Myers | Thomas (CA) |
| Hansen | Nussle | Thomas (WY) |
| Hastert | Orton | Upton |
| Hefley | Oxley | Vucanovich |
| Herger | Packard | Walker |
| Hoekstra | Parker | Young (AK) |
| Hoke | Paxon | Young (FL) |
| Hunter | Penny | Zeliff |
| Hutchinson | Peterson (MN) | Zimmer |

NOT VOTING—21

- | | | |
|--------------|------------|------------|
| Barton | Hall (OH) | Owens |
| Bliley | Houghton | Reynolds |
| Clement | Klein | Rose |
| Collins (IL) | Lantos | Sisisky |
| Cooper | Livingston | Slattery |
| Ford (TN) | McDade | Sundquist |
| Gallo | Moran | Washington |

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶99.18 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2073. An Act to designate the United States courthouse that is scheduled to be constructed in Concord, New Hampshire, as the "Warren B. Rudman United States Courthouse", and for other purposes; to the Committee on Public Work and Transportation.

¶99.19 ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2947. An Act to amend the Commemorative Works Act, and for other purposes; and

H.R. 4790. An Act to designate the United States courthouse under construction in St. Louis, Missouri, as the "Thomas F. Eagleton United States Courthouse."