

complicated by (1) a master plan for the development and administration of such unit, indicating proposed boundaries, access or other roads, visitor facilities, and proposed management concepts applicable to such unit; (2) a statement of the estimated Federal cost for acquisition, development, and operation of such unit; and (3) proposed legislation for establishment of such park administrative unit.

(d) Authorization of appropriations

There are authorized to be appropriated not more than \$50,000 to carry out the provisions of this section.

(Pub. L. 92-400, § 14, Aug. 22, 1972, 86 Stat. 615.)

§ 460aa-14. Separability

If any provision of this subchapter is declared to be invalid, such declaration shall not affect the validity of any other provision of this subchapter.

(Pub. L. 92-400, § 15, Aug. 22, 1972, 86 Stat. 615.)

SUBCHAPTER LXXXVI—GOLDEN GATE
NATIONAL RECREATION AREA

§ 460bb. Establishment

In order to preserve for public use and enjoyment certain areas of Marin and San Francisco Counties, California, possessing outstanding natural, historic, scenic, and recreational values, and in order to provide for the maintenance of needed recreational open space necessary to urban environment and planning, the Golden Gate National Recreation Area (hereinafter referred to as the "recreation area") is hereby established. In the management of the recreation area, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall utilize the resources in a manner which will provide for recreation and educational opportunities consistent with sound principles of land use planning and management. In carrying out the provisions of this subchapter, the Secretary shall preserve the recreation area, as far as possible, in its natural setting, and protect it from development and uses which would destroy the scenic beauty and natural character of the area.

(Pub. L. 92-589, § 1, Oct. 27, 1972, 86 Stat. 1299.)

SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109-131, title II, § 201, Dec. 20, 2005, 119 Stat. 2568, provided that: "This title [amending section 460bb-1 of this title] may be cited as the 'Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act'."

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-350, § 1, Oct. 24, 2000, 114 Stat. 1361, provided that: "This Act [amending section 460bb-1 of this title] may be cited as the 'Golden Gate National Recreation Area Boundary Adjustment Act of 2000'."

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-299, § 1, June 9, 1992, 106 Stat. 236, provided that: "This Act [amending section 460bb-1 of this title and enacting provisions set out as a note under section 460bb-1 of this title] may be cited as the 'Golden Gate National Recreation Area Addition Act of 1992'."

VISITOR SERVICES IN CRISSY FIELD AND FORT POINT
AREAS

Pub. L. 108-108, title I, § 118, Nov. 10, 2003, 117 Stat. 1268, provided that: "Notwithstanding other provisions

of law, the National Park Service hereafter may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-7, div. F, title I, § 120, Feb. 20, 2003, 117 Stat. 240.

Pub. L. 107-63, title I, § 123, Nov. 5, 2001, 115 Stat. 440.

Pub. L. 106-291, title I, § 140, Oct. 11, 2000, 114 Stat. 949.

EXEMPTION OF PRESIDIO TRUST FROM CALIFORNIA
TAXES

Pub. L. 106-291, title III, § 315, Oct. 11, 2000, 114 Stat. 989, provided that: "All interests created under leases, concessions, permits and other agreements associated with the properties administered by the Presidio Trust, hereafter shall be exempt from all taxes and special assessments of every kind by the State of California and its political subdivisions."

Similar provisions were contained in Pub. L. 106-113, div. B, § 1000(a)(3) [title III, § 316], Nov. 29, 1999, 113 Stat. 1535, 1501A-192.

THE PRESIDIO OF SAN FRANCISCO

Pub. L. 104-333, div. I, title I, Nov. 12, 1996, 110 Stat. 4097, as amended by Pub. L. 105-83, title III, § 351, Nov. 14, 1997, 111 Stat. 1607; Pub. L. 106-113, div. B, § 1000(a)(3) [title III, § 334], Nov. 29, 1999, 113 Stat. 1535, 1501A-198; Pub. L. 106-176, title I, § 101, Mar. 10, 2000, 114 Stat. 23; Pub. L. 107-107, div. B, title XXVIII, § 2861, Dec. 28, 2001, 115 Stat. 1328, provided that:

"SEC. 101. FINDINGS.

"The Congress finds that—

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

"(2) the Presidio was the oldest continuously operated military post in the Nation dating from 1776, and was designated a National Historic Landmark in 1962;

"(3) preservation of the cultural and historic integrity of the Presidio for public use recognizes its significant role in the history of the United States;

"(4) the Presidio, in its entirety, is a part of the Golden Gate National Recreation Area, in accordance with Public Law 92-589 [16 U.S.C. 460bb et seq.];

"(5) as part of the Golden Gate National Recreation Area, the Presidio's significant 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 protects the Presidio from development and uses which would destroy the scenic beauty and historic and natural character of the area and cultural and recreational resources;

"(6) removal and/or replacement of some structures within the Presidio must be considered as a management option in the administration of the Presidio; and

"(7) the Presidio will be managed through an innovative public/private partnership that minimizes cost to the United States Treasury and makes efficient use of private sector resources.

"SEC. 102. AUTHORITY AND RESPONSIBILITY OF
THE SECRETARY OF THE INTERIOR.

"(a) INTERIM AUTHORITY.—The Secretary of the Interior (hereinafter in this title referred to as the 'Secretary') is authorized to manage leases in existence on the date of this Act [Nov. 12, 1996] for properties under the administrative jurisdiction of the Secretary and located at the Presidio. Upon the expiration of any such lease, the Secretary may extend such lease for a period terminating not later than 6 months after the first meeting of the Presidio Trust. The Secretary may not enter into any new leases for property at the Presidio to be transferred to the Presidio Trust under this title,

however, the Secretary is authorized to enter into agreements for use and occupancy of the Presidio properties which are assignable to the Trust and are terminable with 30 days notice. Prior to the transfer of administrative jurisdiction over any property to the Presidio Trust, and notwithstanding section 1341 of title 31 of the United States Code, the proceeds from any such lease shall be retained by the Secretary and such proceeds shall be available, without further appropriation, for the preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties. The Secretary may adjust the rental charge on any such lease for any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to properties and infrastructure within the Presidio.

“(b) PUBLIC INFORMATION AND INTERPRETATION.—The Secretary shall be responsible, in cooperation with the Presidio Trust, for providing public interpretive services, visitor orientation and educational programs on all lands within the Presidio.

“(c) OTHER.—Those lands and facilities within the Presidio that are not transferred to the administrative jurisdiction of the Presidio Trust shall continue to be managed by the Secretary. The Secretary and the Presidio Trust shall cooperate to ensure adequate public access to all portions of the Presidio. Any infrastructure and building improvement projects that were funded prior to the enactment of this Act [Nov. 12, 1996] shall be completed by the National Park Service.

“(d) PARK SERVICE EMPLOYEES.—(1) Any career employee of the National Park Service, employed at the Presidio at the time of the transfer of lands and facilities to the Presidio Trust, shall not be separated from the Service by reason of such transfer, unless such employee is employed by the Trust, other than on detail. Notwithstanding section 3503 of title 5, United States Code, the Trust shall have sole discretion over whether to hire any such employee or request a detail of such employee.

“(2) Any career employee of the National Park Service employed at the Presidio on the date of enactment of this title [Nov. 12, 1996] shall be given priority placement for any available position within the National Park System notwithstanding any priority reemployment lists, directives, rules, regulations or other orders from the Department of the Interior, the Office of Management and Budget, or other Federal agencies.

“SEC. 103. ESTABLISHMENT OF THE PRESIDIO TRUST.

“(a) ESTABLISHMENT.—There is established a wholly owned government corporation to be known as the Presidio Trust (hereinafter in this title referred to as the ‘Trust’).

“(b) TRANSFER.—(1) Within 60 days after receipt of a request from the Trust for the transfer of any parcel within the area depicted as Area B on the map entitled ‘Presidio Trust Number 1’, dated December 7, 1995, the Secretary shall transfer such parcel to the administrative jurisdiction of the Trust. Within 1 year after the first meeting of the Board of Directors of the Trust, the Secretary shall transfer to the Trust administrative jurisdiction over all remaining parcels within Area B. Such map shall be on file and available for public inspection in the offices of the Trust and in the offices of the National Park Service, Department of the Interior. The Trust and the Secretary may jointly make technical and clerical revisions in the boundary depicted on such map. The Secretary shall retain jurisdiction over those portions of the building identified as number 102 as the Secretary deems essential for use as a visitor center. The Building shall be named the ‘William Penn Mott Visitor Center’. Any parcel of land, the jurisdiction over which is transferred pursuant to this subsection, shall remain within the boundary of the Golden Gate National Recreation Area. With the consent of the Secretary, the Trust may at any time transfer to the administrative jurisdiction of the Secretary any

other properties within the Presidio which are surplus to the needs of the Trust and which serve essential purposes of the Golden Gate National Recreation Area. The Trust is encouraged to transfer to the administrative jurisdiction of the Secretary open space areas which have high public use potential and are contiguous to other lands administered by the Secretary.

“(2) Within 60 days after the first meeting of the Board of Directors of the Trust, the Trust and the Secretary shall determine cooperatively which records, equipment, and other personal property are deemed to be necessary for the immediate administration of the properties to be transferred, and the Secretary shall immediately transfer such personal property to the Trust. Within 1 year after the first meeting of the Board of Directors of the Trust, the Trust and the Secretary shall determine cooperatively what, if any, additional records, equipment, and other personal property used by the Secretary in the administration of the properties to be transferred should be transferred to the Trust.

“(3) The Secretary shall transfer, with the transfer of administrative jurisdiction over any property, the unobligated balance of all funds appropriated to the Secretary, all leases, concessions, licenses, permits, and other agreements affecting such property.

“(4) At the request of the Trust, the Secretary shall provide funds to the Trust for preparation of the program required under section 104(c) of this title, hiring of initial staff and other activities deemed by the Trust as essential to the establishment of the Trust prior to the transfer of properties to the Trust.

“(c) BOARD OF DIRECTORS.—

“(1) IN GENERAL.—The powers and management of the Trust shall be vested in a Board of Directors (hereinafter referred to as the ‘Board’) consisting of the following 7 members:

“(A) The Secretary of the Interior or the Secretary’s designee.

“(B) 6 individuals, who are not employees of the Federal Government, appointed by the President, who shall possess extensive knowledge and experience in one or more of the fields of city planning, finance, real estate development, and resource conservation. At least one of these individuals shall be a veteran of the Armed Services. At least 3 of these individuals shall reside in the San Francisco Bay Area. The President shall make the appointments referred to in this subparagraph within 90 days after the enactment of this Act [Nov. 12, 1996] and shall ensure that the fields of city planning, finance, real estate development, and resource conservation are adequately represented. Upon establishment of the Trust, the Chairman of the Board of Directors of the Trust shall meet with the Chairman of the Energy and Natural Resources Committee of the United States Senate and the Chairman of the Resources Committee of the United States House of Representatives.

“(2) TERMS.—Members of the Board appointed under paragraph (1)(B) shall each serve for a term of 4 years, except that of the members first appointed, 3 shall serve for a term of 2 years. Any vacancy in the Board 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 that term for which his or her predecessor was appointed. No appointed member may serve more than 8 years in consecutive terms, except that upon the expiration of his or her term, an appointed member may continue to serve until his or her successor has been appointed.

“(3) QUORUM.—Four members of the Board shall constitute a quorum for the conduct of business by the Board.

“(4) ORGANIZATION AND COMPENSATION.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the authorized activities of the Trust. Board members shall serve without pay, but may be reimbursed for the ac-

tual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Trust.

“(5) **LIABILITY OF DIRECTORS.**—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 [see Short Title note under section 2671 of Title 28, Judiciary and Judicial Procedure] and the Ethics in Government Act [of 1978] [5 U.S.C. App.], and the provisions of chapter 11 of title 18, United States Code.

“(6) **MEETINGS.**—The Board shall meet at least three times per year in San Francisco and at least two of those meetings shall be open to the public. Upon a majority vote, the Board may close any other meetings to the public. The Board shall establish procedures for providing public information and opportunities for public comment regarding policy, planning, and design issues. The Board may establish procedures for providing public information and opportunities for public comment regarding policy, planning, and design issues through the Golden Gate National Recreation Area Advisory Commission.

“(7) **STAFF.**—Notwithstanding any other provisions of law, the Trust is authorized to appoint and fix the compensation and duties and terminate the services of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, or other laws related to the appointment, compensation or termination of Federal employees.

“(8) **NECESSARY POWERS.**—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

“(9) **TAXES.**—The Trust and all properties administered by the Trust and all interest created under leases, concessions, permits and other agreements associated with the properties shall be exempt from all taxes and special assessments of every kind by the State of California, and its political subdivisions, including the City and County of San Francisco.

“(10) **GOVERNMENT CORPORATION.**—(A) The Trust shall be treated as a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

“(B) At the end of each calendar year, the Trust shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources [now Committee on Natural Resources] of the House of Representatives 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.

“**SEC. 104. DUTIES AND AUTHORITIES OF THE TRUST.**

“(a) **OVERALL REQUIREMENTS OF THE TRUST.**—The Trust shall manage the leasing, maintenance, rehabilitation, repair and improvement of property within the Presidio under its administrative jurisdiction using the authorities provided in this section, which shall be exercised 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 in accordance with the general objectives of the General Management Plan (hereinafter referred to as the ‘management plan’) approved for the Presidio.

“(b) **AUTHORITIES.**—The Trust may participate in the development of programs and activities at the properties transferred to the Trust, except that the Trust shall have the authority to negotiate and enter into such agreements, leases, contracts and other arrange-

ments with any person, firm, association, organization, corporation or governmental entity, including, without limitation, entities of Federal, State and local governments as are necessary and appropriate to carry out its authorized activities. The National Park Service or any other Federal agency is authorized to enter into agreements, leases, contracts and other arrangements with the Presidio Trust which are necessary and appropriate to carry out the purposes of this title. Any such agreement may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b) [now 40 U.S.C. 1302]. The Trust may use alternative means of dispute resolution authorized under subchapter IV of chapter 5 of title 5, United States Code (5 U.S.C. 571 et seq.). The Trust shall establish procedures for lease agreements and other agreements for use and occupancy of Presidio facilities, including a requirement that in entering into such agreements the Trust shall obtain reasonable competition. The Trust may not dispose of or convey fee title to any real property transferred to it under this title. Federal laws and regulations governing procurement by Federal agencies shall not apply to the Trust, with the exception of laws and regulations related to Federal government contracts governing working conditions and wage rates, including the provisions of sections 276a-276a-6 of title 40, United States Code (Davis-Bacon Act) [now 40 U.S.C. 3141-3144, 3146, and 3147], and any civil rights provisions otherwise applicable thereto. The Trust, in consultation with the Administrator of Federal Procurement Policy, shall establish and promulgate procedures applicable to the Trust’s procurement of goods and services including, but not limited to, the award of contracts on the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition. The Trust is authorized to use funds available to the Trust to purchase insurance and for reasonable reception and representation expenses, including membership dues, business cards and business related meal expenditures.

“(c) **MANAGEMENT PROGRAM.**—The Trust shall develop a comprehensive program for management of those lands and facilities within the Presidio which are transferred to the administrative jurisdiction of the Trust. Such program shall be designed to reduce expenditures by the National Park Service and increase revenues to the Federal Government to the maximum extent possible. In carrying out this program, the Trust shall be treated as a successor in interest to the National Park Service with respect to compliance with the National Environmental Policy Act [of 1969] [42 U.S.C. 4321 et seq.] and other environmental compliance statutes. Such program shall consist of—

“(1) demolition of structures which in the opinion of the Trust, cannot be cost-effectively rehabilitated, and which are identified in the management plan for demolition,

“(2) evaluation for possible demolition or replacement those buildings identified as categories 2 through 5 in the Presidio of San Francisco Historic Landmark District Historic American Buildings Survey Report, dated 1985,

“(3) new construction limited to replacement of existing structures of similar size in existing areas of development, and

“(4) examination of a full range of reasonable options for carrying out routine administrative and facility management programs.

The Trust shall consult with the Secretary in the preparation of this program.

“(d) **FINANCIAL AUTHORITIES.**—(1) To augment or encourage the use of non-Federal funds to finance capital improvements on Presidio properties transferred to its jurisdiction, the Trust, in addition to its other authorities, shall have the following authorities subject to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.):

“(A) The authority to guarantee any lender against loss of principal or interest on any loan: *Provided*, That—

“(1) the terms of the guarantee are approved by the Secretary of the Treasury;

“(ii) adequate subsidy budget authority is provided in advance in appropriations Acts; and

“(iii) such guarantees are structured so as to minimize potential cost to the Federal Government. No loan guarantee under this title shall cover more than 75 percent of the unpaid balance of the loan. The Trust may collect a fee sufficient to cover its costs in connection with each loan guaranteed under this title. The authority to enter into any such loan guarantee agreement shall expire at the end of 15 years after the date of enactment of this title [Nov. 12, 1996].

“(B) The authority, subject to appropriations, to make loans to the occupants of property managed by the Trust for the preservation, restoration, maintenance, or repair of such property.

“(2) The Trust shall also have the authority to issue obligations to the Secretary of the Treasury, but only if the Secretary of the Treasury agrees to purchase such obligations to the extent authorized in advance in appropriations acts. The Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such notes or obligations acquired by the Secretary of the Treasury under this subsection. Obligations issued under this subparagraph shall be in such forms and denominations, bearing such maturities, and subject to such terms and conditions, including a review of the creditworthiness of the loan and establishment of a repayment schedule, as may be prescribed by the Secretary of the Treasury, and 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. No funds appropriated to the Trust may be used for repayment of principal or interest on, or redemption of, obligations issued under this paragraph.

“(3) The aggregate amount of obligations issued under paragraph (2) of this subsection which are outstanding at any one time may not exceed \$150,000,000.

“(e) DONATIONS.—The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private or public entities for the purpose of carrying out its duties. The Trust is encouraged to maintain a liaison with the Golden Gate National Park Association.

“(f) PUBLIC AGENCY.—The Trust shall be deemed to be a public agency for purposes of entering into joint exercise of powers agreements pursuant to California government code section 6500 and related provisions of that Code.

“(g) FINANCIAL MANAGEMENT.—Notwithstanding section 1341 of title 31 of the United States Code, all proceeds and other revenues received by the Trust shall be retained by the Trust. Those proceeds shall be available, without further appropriation, to the Trust for the administration, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties under its administrative jurisdiction. The Secretary of the Treasury shall invest, at the direction of the Trust, such excess moneys that the Trust determines are not required to meet current withdrawals. Such investment shall be in public debt securities with maturities suitable to the needs of the Trust and bearing interest at rates determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity.

“(h) SUITS.—The Trust may sue and be sued in its own name to the same extent as the Federal Government. Litigation arising out of the activities of the Trust shall be conducted by the Attorney General; except that the Trust may retain private attorneys to provide advice and counsel. The District Court for the Northern District of California shall have exclusive jurisdiction over any suit filed against the Trust.

“(i) MEMORANDUM OF AGREEMENT.—The Trust shall enter into a Memorandum of Agreement with the Secretary, acting through the Chief of the United States Park Police, for the conduct of law enforcement activities and services within those portions of the Presidio transferred to the administrative jurisdiction of the Trust.

“(j) BYLAWS, RULES, AND REGULATIONS.—The Trust may adopt, amend, repeal, and enforce bylaws, rules and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised, including rules and regulations for the use and management of the property under the Trust's jurisdiction. The Trust is authorized, in consultation with the Secretary, to adopt and to enforce those rules and regulations that are applicable to the Golden Gate National Recreation Area and that may be necessary and appropriate to carry out its duties and responsibilities under this title. The Trust shall give notice of the adoption of such rules and regulations by publication in the Federal Register.

“(k) DIRECT NEGOTIATIONS.—For the purpose of compliance with applicable laws and regulations concerning properties transferred to the Trust by the Secretary, the Trust shall negotiate directly with regulatory authorities.

“(l) INSURANCE.—The Trust shall require that all leaseholders and contractors procure proper insurance against any loss in connection with properties under lease or contract, or the authorized activities granted in such lease or contract, as is reasonable and customary.

“(m) BUILDING CODE COMPLIANCE.—The Trust shall bring all properties under its administrative jurisdiction into compliance with Federal building codes and regulations appropriate to use and occupancy within 10 years after the enactment of this title [Nov. 12, 1996] to the extent practicable.

“(n) LEASING.—In managing and leasing the properties transferred to it, the Trust shall consider the extent to which prospective tenants contribute to the implementation of the general objectives of the General Management Plan for the Presidio and to the reduction of cost to the Federal Government. The Trust shall give priority to the following categories of tenants: Tenants that enhance the financial viability of the Presidio and tenants that facilitate the cost-effective preservation of historic buildings through their reuse of such buildings.

“(o) REVERSION.—If, at the expiration of 15 years, the Trust has not accomplished the goals and objectives of the plan required in section 105(b) of this title, then all property under the administrative jurisdiction of the Trust pursuant to section 103(b) of this title shall be transferred to the Administrator of the General Services Administration to be disposed of in accordance with the procedures outlined in the Defense Authorization Act of 1990 (104 Stat. 1809) [probably means part A of title XXIX of div. B of Pub. L. 101-510, Nov. 5, 1990, 104 Stat. 1808, set out as a note under section 2687 of Title 10, Armed Forces], and any real property so transferred shall be deleted from the boundary of the Golden Gate National Recreation Area. In the event of such transfer, the terms and conditions of all agreements and loans regarding such lands and facilities entered into by the Trust shall be binding on any successor in interest.

“(p) EXCLUSIVE RIGHTS TO NAME AND INSIGNIA.—The Trust shall have the sole and exclusive right to use the words ‘Presidio Trust’ and any seal, emblem, or other insignia adopted by its Board of Directors. Without express written authority of the Trust, no person may use the words ‘Presidio Trust’, or any combination or variation of those words alone or with other words, as the name under which that person shall do or purport to do business, for the purpose of trade, or by way of advertisement, or in any manner that may falsely suggest any connection with the Trust.

“SEC. 105. LIMITATIONS ON FUNDING.

“(a)(1) From amounts made available to the Secretary for the operation of areas within the Golden

Gate National Recreation Area, not more than \$25,000,000 shall be available to carry out this title in each fiscal year after the enactment of this title [Nov. 12, 1996] until the plan is submitted under subsection (b). Such sums shall remain available until expended.

“(2) After the plan required in subsection (b) is submitted, and for each of the 14 fiscal years thereafter, there are authorized to be appropriated to the Trust not more than the amounts specified in such plan. Such sums shall remain available until expended. Of such sums, funds shall be available through the Trust for law enforcement activities and services to be provided by the United States Park Police at the Presidio in accordance with section 104(i) of this title.

“(b) Within 1 year after the first meeting of the Board of Directors of the Trust, the Trust shall submit to Congress a plan which includes a schedule of annual decreasing federally appropriated funding that will achieve, at a minimum, self-sufficiency for the Trust within 15 complete fiscal years after such meeting of the Trust. No further funds shall be authorized for the Trust 15 years after the first meeting of the Board of Directors of the Trust.

“(c) The Administrator of the General Services Administration shall provide necessary assistance, on a reimbursable basis, including detailees as necessary, to the Trust in the formulation and submission of the annual budget request for the administration, operation, and maintenance of the Presidio.

“SEC. 106. GENERAL ACCOUNTING OFFICE STUDY.

“(a) Three years after the first meeting of the Board of Directors of the Trust, the General Accounting Office [now Government Accountability Office] shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources [now Committee on Natural Resources] and Committee on Appropriations of the House of Representatives. The study shall include, but shall not be limited to, details of how the Trust is meeting its obligations under this title.

“(b) In consultation with the Trust, the General Accounting Office [now Government Accountability Office] shall develop an interim schedule and plan to reduce and replace the Federal appropriations to the extent practicable for interpretive services conducted by the National Park Service, and law enforcement activities and services, fire and public safety programs conducted by the Trust.

“(c) Seven years after the first meeting of the Board of Directors of the Trust, the General Accounting Office [now Government Accountability Office] shall conduct a comprehensive study of the activities of the Trust, including the Trust’s progress in meeting its obligations under this title, taking into consideration the results of the study described in subsection (a) and the implementation of plan and schedule required in subsection (b). The General Accounting Office shall report the results of the study, including any adjustments to the plan and schedule, to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources [now Committee on Natural Resources] and Committee on Appropriations of the House of Representatives.

“SEC. 107. CONDITIONAL AUTHORITY TO LEASE CERTAIN HOUSING UNITS WITHIN THE PRESIDIO.

“(a) AVAILABILITY OF HOUSING UNITS FOR LONG-TERM ARMY LEASE.—Subject to subsection (c), the Trust shall make available for lease, to those persons designated by the Secretary of the Army and for such length of time as requested by the Secretary of the Army, 22 housing units located within the Presidio that are under the administrative jurisdiction of the Trust and specified in the agreement between the Trust and the Secretary of the Army in existence as of the date of the enactment of this section [Dec. 28, 2001].

“(b) LEASE AMOUNT.—The monthly amount charged by the Trust for the lease of a housing unit under this section shall be equivalent to the monthly rate of the basic allowance for housing that the occupant of the housing unit is entitled to receive under section 403 of title 37, United States Code.

“(c) CONDITION ON CONTINUED AVAILABILITY OF HOUSING UNITS.—Effective after the end of the four-year period beginning on the date of the enactment of this section, the Trust shall have no obligation to make housing units available under subsection (a) unless, during that four-year period, the Secretary of the Treasury purchases new obligations of at least \$80,000,000 issued by the Trust under section 104(d)(2). In the event that this condition is not satisfied, the existing agreement referred to in subsection (a) shall be renewed on the same terms and conditions for an additional five years.”

§ 460bb-1. Composition and boundaries

(a) Areas included and excluded

(1) Initial lands

The recreation area shall comprise the lands, waters, and submerged lands generally depicted on the map entitled: “Revised Boundary Map, Golden Gate National Recreation Area”, numbered NRA-GG-80,003-K and dated October 1978, plus those areas depicted on the map entitled “Point Reyes and GGNRA Amendments and dated October 25, 1979”. The authority of the Secretary to acquire lands in the tract known as San Francisco Assessor’s Block number 1592 shall be limited to an area of not more than one and nine-tenths acres. Notwithstanding any other provision of this subchapter, the Secretary shall not acquire the Marin County Assessor’s parcels numbered 199-181-01, 199-181-06, 199-181-08, 199-181-13, and 199-181-14, located in the Muir Beach portion of the recreation area. For the purposes of this subchapter, the southern end of the town of Marshall shall be considered to be the Marshall Boat Works.

(2) Additional lands

In addition to the lands described in paragraph (1), the recreation area shall include the following:

(A) The parcels numbered by the Assessor of Marin County, California, 119-040-04, 119-040-05, 119-040-18, 166-202-03, 166-010-06, 166-010-07, 166-010-24, 166-010-25, 119-240-19, 166-010-10, 166-010-22, 119-240-03, 119-240-51, 119-240-52, 119-240-54, 166-010-12, 166-010-13, and 119-235-10.

(B) Lands and waters in San Mateo County generally depicted on the map entitled “Sweeney Ridge Addition, Golden Gate National Recreation Area”, numbered NRA GG-80,000-A, and dated May 1980.

(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb-1 note; Public Law 102-299).

(D) Lands generally depicted on the map entitled “Additions to Golden Gate National Recreation Area”, numbered NPS-80-076, and dated July 2000/PWR-PLRPC.

(E) Lands generally depicted on the map entitled “Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area”, numbered NPS-80,079E, and dated March 2004.

(3) Acquisition limitation

The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.

(b) Boundary revisions; notification of Congressional committees; publication in Federal Register

The maps referred to in this section shall be on file and available for public inspection in the Offices of the National Park Service, Department of the Interior, Washington, District of Columbia. After advising the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate (hereinafter referred to as the "committees") in writing, the Secretary may make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

(Pub. L. 92-589, §2, Oct. 27, 1972, 86 Stat. 1299; Pub. L. 93-544, Dec. 26, 1974, 88 Stat. 1741; Pub. L. 95-625, title III, §317(a), Nov. 10, 1978, 92 Stat. 3484; Pub. L. 96-199, title I, §103(a), Mar. 5, 1980, 94 Stat. 68; Pub. L. 96-344, §4(1), Sept. 8, 1980, 94 Stat. 1134; Pub. L. 96-607, title X, §1001(1), (2), Dec. 28, 1980, 94 Stat. 3544; Pub. L. 102-299, §2(b)(1), June 9, 1992, 106 Stat. 236; Pub. L. 103-437, §6(n)(2), Nov. 2, 1994, 108 Stat. 4586; Pub. L. 106-350, §2, Oct. 24, 2000, 114 Stat. 1361; Pub. L. 109-131, title II, §202, Dec. 20, 2005, 119 Stat. 2568.)

REFERENCES IN TEXT

The Golden Gate National Recreational Area Addition Act of 1992, referred to in subsec. (a)(2)(C), is Pub. L. 102-299, June 9, 1992, 106 Stat. 236, which amended this section and enacted provisions set out as a note below. For complete classification of this Act to the Code, see Short Title of 1992 Amendment note below and Tables.

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-131 designated first four sentences of existing provisions as par. (1), inserted par. (1) heading, struck out at end "The following additional lands are also hereby included within the boundaries of the recreation area: Marin County Assessor's parcel numbered 119-040-04, 119-040-05, 119-040-18, 166-202-03, 166-010-06, 166-010-07, 166-010-24, 166-010-25, 119-240-19, 166-010-10, 166-010-22, 119-240-03, 119-240-51, 119-240-52, 119-240-54, 166-010-12, 166-010-13, and 119-235-10. The recreation area shall also include the lands and waters in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG-80,000-A, and dated May 1980. The recreation area shall also include those lands acquired pursuant to the Golden Gate National Recreation Area Addition Act of 1992. The recreation area shall also include the lands generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS-80,076, and dated July 2000/PWR-PLRPC.", and added pars. (2) and (3).

2000—Subsec. (a). Pub. L. 106-350 inserted at end "The recreation area shall also include the lands generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS-80,076, and dated July 2000/PWR-PLRPC."

1994—Subsec. (b). Pub. L. 103-437 substituted "Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate" for "Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate".

1992—Subsec. (a). Pub. L. 102-299, §2(b)(1), inserted at end "The recreation area shall also include those lands

acquired pursuant to the Golden Gate National Recreation Area Addition Act of 1992."

1980—Subsec. (a). Pub. L. 96-607, §1001(1), included within the recreation area the lands and waters in San Mateo County depicted on the map entitled Sweeney Ridge Addition, Golden Gate National Recreation Area, numbered NRA GG-80,000-A, dated May 1980.

Pub. L. 96-344 designated the southern end of the town of Marshall as the Marshall Boat Works and specified additional lands to be included within the boundaries of the recreation area.

Pub. L. 96-199 inserted ", plus those areas depicted on the map entitled 'Point Reyes and GGNRA Amendments and dated October 25, 1979'" after "and dated October 1978".

Subsec. (b). Pub. L. 96-607, §1001(2), substituted "maps" for "map".

1978—Subsec. (a). Pub. L. 95-625 substituted as a description of the recreation area the lands, etc., generally depicted on Revised Boundary Map, Golden Gate National Recreation Area, numbered NRA-GG-80,003-K and dated October 1978 for prior such depiction on predecessor Boundary Map numbered NRA-GG-80,003-G, and dated September 1974; limited amount of acquisition in the tract known as San Francisco Assessor's Block number 1592; prohibited acquisition of Marin County Assessor's parcels located in the Muir Beach area; and deleted provisions including certain Marin and San Francisco County properties and excluding certain Marin County properties.

1974—Subsec. (a). Pub. L. 93-544 substituted the Revised Boundary Map numbered NRA-GG-80,003-G, dated September 1974, with a list of additional properties for the Boundary Map numbered NRA-GG-80,003A, sheets 1 through 3, dated July 1972, as the description of the land comprising the recreation area.

PHLEGER ESTATE ADDITION

Section 2(a) and (b)(2) of Pub. L. 102-299 authorized Secretary of the Interior to acquire by donation or purchase with donated or appropriated funds approximately 1,232 acres of land in San Mateo County, California, known generally as the Phleger property, as generally depicted on map entitled "1991 addition to Golden Gate National Recreation Area (Phleger Estate)" and numbered GGNRA^{641/40062}, with Federal share of acquisition of land not to exceed 50 percent of purchase price of land, and directed Secretary, upon acquisition of the land and after publication of notice in the Federal Register, to revise boundary of Golden Gate National Recreation Area to reflect inclusion of such land, and to prepare and make available a map displaying such boundary revision in accordance with subsection (b) of this section.

§ 460bb-2. Acquisition policy**(a) Authority of Secretary; exchange of property; disposal of certain lands; transfer from Federal agency to administrative jurisdiction of Secretary; facilities and improvements under permit from Secretary of the Army**

Within the boundaries of the recreation area, the Secretary may acquire lands, improvements, waters, or interests therein, by donation, purchase, exchange or transfer. Any lands, or interests therein, owned by the State of California or any political subdivision thereof, may be acquired only by donation. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries. Any portion of land acquired outside the boundaries and not utilized

for exchange shall be reported to the General Services Administration for disposal under chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41: *Provided*, That no disposal shall be for less than fair market value. Except as hereinafter provided, Federal property within the boundaries of the recreation area is hereby transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of this subchapter, subject to the continuation of such existing uses as may be agreed upon between the Secretary and the head of the agency formerly having jurisdiction over the property. Notwithstanding any other provision of law, the Secretary may develop and administer for the purposes of this subchapter structures or other improvements and facilities on lands for which he receives a permit of use and occupancy from the Secretary of the Army.

(b) Transfer of certain properties to administrative jurisdiction of Secretary; military properties, reservation of use and occupancy by Secretary of the Army; radio receiver station, retention of jurisdiction when not superfluous

Fort Cronkhite, Fort Barry, and the westerly one-half of Fort Baker, in Marin County, California, as depicted on the map entitled "Golden Gate Military Properties" numbered NRAGG-20,002 and dated January 1972, which shall be on file and available for public inspection in the offices of the National Park Service, are hereby transferred to the jurisdiction of the Secretary for purposes of this subchapter, subject to continued use and occupancy by the Secretary of the Army of those lands needed for existing air defense missions, reserve activities and family housing, until he determines that such requirements no longer exist. The Coast Guard Radio Receiver Station, shall remain under the jurisdiction of the Secretary of the Department in which the Coast Guard is operating. When this station is determined to be excess to the needs of the Coast Guard, it shall be transferred to the jurisdiction of the Secretary for purposes of this subchapter.

(c) Military property; public service facilities: construction, maintenance, and determinations of identity and location by Secretary of the Army

The easterly one-half of Fort Baker in Marin County, California, shall remain under the jurisdiction of the Department of the Army. When this property is determined by the Department of Defense to be excess to its needs, it shall be transferred to the jurisdiction of the Secretary for purposes of this subchapter. The Secretary of the Army shall grant to the Secretary reasonable public access through such property to Horseshoe Bay, together with the right to construct and maintain such public service facilities as are necessary for the purposes of this subchapter. The precise facilities and location thereof shall be determined between the Secretary and the Secretary of the Army.

(d) Presidio of San Francisco; use and occupation of certain acreage by Secretary

Upon enactment, the Secretary of the Army shall grant to the Secretary the irrevocable use

and occupancy of one hundred acres of the Baker Beach area of the Presidio of San Francisco, as depicted on the map referred to in subsection (b) of this section.

(e) Use and occupancy of airfield acreage by Secretary

The Secretary of the Army shall grant to the Secretary within a reasonable time, the irrevocable use and occupancy of forty-five acres of the Crissy Army Airfield of the Presidio, as depicted on the map referred to in subsection (b) of this section.

(f) Transfer of remainder to administrative jurisdiction of Secretary; use and occupancy by Coast Guard under permit from Secretary

When all or any substantial portion of the remainder of the Presidio is determined by the Department of Defense to be excess to its needs, such lands shall be transferred to the jurisdiction of the Secretary for purposes of this subchapter. The Secretary shall grant a permit for continued use and occupancy for that portion of said Fort Point Coast Guard Station necessary for activities of the Coast Guard.

(g) Transfer of certain Coast Guard properties to administrative jurisdiction of Secretary; navigational aids: maintenance and operation by Coast Guard and plans for access to new installations

Point Bonita, Point Diablo, Point Montara, and Lime Point shall remain under the jurisdiction of the Secretary of the Department in which the Coast Guard is operating. When this property is determined to be excess to the needs of the Coast Guard, it shall be transferred to the jurisdiction of the Secretary for purposes of this subchapter. The Coast Guard may continue to maintain and operate existing navigational aids: *Provided*, That access to such navigational aids and the installation of necessary new navigational aids within the recreation area shall be undertaken in accordance with plans which are mutually acceptable to the Secretary and the Secretary of the Department in which the Coast Guard is operating and which are consistent with both the purposes of this subchapter and the purpose of existing statutes dealing with establishment, maintenance, and operation of navigational aids.

(h) Transfer of certain property of Navy Department to administrative jurisdiction of Secretary

That portion of Fort Miley comprising approximately one and seven-tenths acres of land presently used and required by the Secretary of the Navy for its inshore, underseas warfare installations shall remain under the administrative jurisdiction of the Department of the Navy until such time as all or any portion thereof is determined by the Department of Defense to be excess to its needs, at which time such excess portion shall be transferred to the administrative jurisdiction of the Secretary for purposes of this subchapter. That property known as the Pillar Point Military Reservation, under the jurisdiction of the Secretary of Defense shall be transferred to the administrative jurisdiction of the Secretary at such time as the property, or

any portion thereof, becomes excess to the needs of the Department of Defense.

(i) New construction; limitation; notice and public hearing; exceptions

New construction and development within the boundaries described in section 460bb-1(a) of this title on lands under the administrative jurisdiction of a department other than that of the Secretary is prohibited, except that improvements on lands which have not been transferred to his administrative jurisdiction may be reconstructed or demolished. Any such structure which is demolished may be replaced with an improvement of similar size, following consultation with the Secretary or his designated representative, who shall conduct a public hearing at a location in the general vicinity of the area, notice of which shall be given at least one week prior to the date thereof. The foregoing limitation on construction and development shall not apply to expansion of those facilities known as Letterman General Hospital or the Western Medical Institute of Research.

(j) Owner's reservation of right of use and occupancy for residential purposes for fixed term of years or for life; election by owner; adjustment of compensation; termination of use and occupancy inconsistent with statutory purposes and upon tender of sum for unexpired right; lease of Federal lands; restrictive covenants, offer to prior owner or leaseholder

The owner of improved residential property or of agricultural property on the date of its acquisition by the Secretary under this subchapter may, as a condition of such acquisition, retain for himself and his or her heirs and assigns a right of use and occupancy for a definite term of not more than twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the death of his or her spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partly donated to the United States, the Secretary shall pay to the owner the fair market value of the property on the date of acquisition minus the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his or her determination that it is being exercised in a manner inconsistent with the purposes of this subchapter, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him or her an amount equal to the fair market value of that portion of the right which remains unexpired. Where appropriate in the discretion of the Secretary, he or she may lease federally owned land (or any interest therein) which has been acquired by the Secretary under this subchapter, and which was agricultural land prior to its acquisition. Such lease shall be subject to such restrictive covenants as may be necessary to carry out the purposes of this subchapter. Any land to be leased by the Secretary under this section shall be offered first for such lease to the person who owned such land or who was a leaseholder thereon immediately before its acquisition by the United States.

(k) "Improved and agricultural property" defined

The term "improved property", as used in subsection (j) of this section, means a detached, noncommercial residential dwelling, the construction of which was begun before June 1, 1971, or, in the case of areas added by action of the Ninety-fifth Congress, October 1, 1978, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated. The term "agricultural property" as used in this subchapter means lands which are in regular use for agricultural, ranching, or dairying purposes as of January 1, 1978, together with residential and other structures related to the above uses of the property as such structures exist on said date.

(l) Relocation assistance benefits and rights; waiver through retention of right of use and occupancy; displaced person status of owner

Whenever an owner of property elects to retain a right of use and occupancy as provided for in this subchapter, such owner shall be deemed to have waived any benefits or rights accruing under sections 4623, 4624, 4625, and 4626 of title 42, and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 4601(6) of title 42.

(m) Acquisition of land; contract authority; installment payments; interest rate; provisions applicable to judgments against United States

Notwithstanding any other provision of law, the Secretary shall have the same authority with respect to contracts for the acquisition of land and interests in land for the purposes of this subchapter as was given the Secretary of the Treasury for other land acquisitions by section 3171 of title 40 relating to purchase of sites for public buildings, and the Secretary and the owner of land to be acquired under this subchapter may agree that the purchase price will be paid in periodic installments over a period that does not exceed ten years, with interest on the unpaid balance thereof at a rate which is not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities on the installments. Judgments against the United States for amounts in excess of the deposit in court made in condemnation actions shall be subject to the provisions of section 1304 of title 31 and sections 2414 and 2517 of title 28.

(n) Management of State donated lands

The Secretary shall accept and shall manage in accordance with this subchapter, any land and improvements adjacent to the recreation area which are donated by the State of California or its political subdivisions. The boundaries of the recreation area shall be changed to include such donated lands.

(o) Payment deferral; scheduling; interest rate

In acquiring those lands authorized by the Ninety-fifth Congress for the purposes of this

subchapter, the Secretary may, when agreed upon by the landowner involved, defer payment or schedule payments over a period of ten years and pay interest on the unpaid balance at a rate not exceeding that paid by the Treasury of the United States for borrowing purposes.

(p) San Francisco water department property; scenic and recreational easement

With reference to those lands known as the San Francisco water department property shown on map numbered NRA GG-80,000-A, the Secretary shall administer such land in accordance with the provisions of the documents entitled “Grant of Scenic Easement”, and “Grant of Scenic and Recreational Easement”, both executed on January 15, 1969, between the city and county of San Francisco and the United States, including such amendments to the subject document as may be agreed to by the affected parties subsequent to December 28, 1980. The Secretary is authorized to seek appropriate agreements needed to establish a trail within this property and connecting with a suitable beach unit under the jurisdiction of the Secretary.

(Pub. L. 92-589, § 3, Oct. 27, 1972, 86 Stat. 1299; Pub. L. 95-625, title III, § 317(b)-(e), Nov. 10, 1978, 92 Stat. 3485; Pub. L. 96-607, title X, § 1001(3)-(5), Dec. 28, 1980, 94 Stat. 3544.)

REFERENCES IN TEXT

Upon enactment, referred to in subsec. (d), probably means the date of enactment of this subchapter by Pub. L. 92-589, which was Oct. 27, 1972.

CODIFICATION

In subsec. (a), “chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

“Section 3171 of title 40 relating to purchase of sites for public buildings” substituted in subsec. (m) for “section 34 of the Act of May 30, 1908, relating to purchase of sites for public buildings (35 Stat. 545)” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

In subsec. (m), “section 1304 of title 31” substituted for “the Act of July 27, 1956 (70 Stat. 624) [31 U.S.C. 724a]” on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1980—Subsec. (g). Pub. L. 96-607, § 1001(3), inserted reference to Point Montara.

Subsec. (h). Pub. L. 96-607, § 1001(4), transferred to the jurisdiction of the Secretary the Pillar Point Military Reservation at such time as the property, or any portion thereof, becomes excess to the needs of the Department of Defense.

Subsec. (p). Pub. L. 96-607, § 1001(5), added subsec. (p).
1978—Subsec. (i). Pub. L. 95-625, § 317(b), in revising the text, substituted provision prohibiting new construction and development in the recreation area on lands under the administrative jurisdiction of a department other than that of the Secretary but authorized reconstruction or demolition of improvements upon the nontransferred lands of such agency after consultations with the Secretary and upon notice and hearing for

prior provision limited to new construction and development on property under administrative jurisdiction of the Department of the Army required to accommodate facilities being relocated from property being transferred to administrative jurisdiction of the Secretary or directly related to the essential missions of the Sixth United States Army.

Subsec. (j). Pub. L. 95-625, § 317(c), substituted provision making the subsection applicable to improved residential property and agricultural property for prior provision for application to improved property of a noncommercial residential nature and authorized lease of Federally-owned lands, subject to restrictive covenants, with first offer to prior owner or leaseholder.

Subsec. (k). Pub. L. 95-625, § 317(d), defined “improved property” to include residential dwelling, the construction of which was begun, in the case of areas added by action of the Ninety-fifth Congress, October 1, 1978, and included definition of “agricultural property”.

Subsecs. (n), (o). Pub. L. 95-625, § 317(e), added subsecs. (n) and (o).

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 460bb-3. Administration

(a) Provisions applicable; utilization of authorities for conservation and management of wildlife and natural resources; provisions applicable to Muir Woods National Monument and Fort Point National Historic Site

The Secretary shall administer the lands, waters and interests therein acquired for the recreation area in accordance with the provisions of sections 1, 2, 3, and 4 of this title, as amended and supplemented, and the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this subchapter. Notwithstanding their inclusion within the boundaries of the recreation area, the Muir Woods National Monument and Fort Point National Historic Site shall continue to be administered as distinct and identifiable units of the national park system in accordance with the laws applicable to such monument and historic site.

(b) Federal-State cooperative agreements for police and fire protection

The Secretary may enter into cooperative agreements with any Federal agency, the State of California, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement and fire preventive assistance.

(c) Water resource developments

The authority of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection, and navigation improvements on land and/or waters within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary and the Sec-

retary of the Army and which are consistent with both the purpose of this subchapter and the purpose of existing statutes dealing with water and related resource development.

(d) Transportation system; study for coordinated public and private system

The Secretary, in cooperation with the State of California and affected political subdivisions thereof, local and regional transit agencies, and the Secretaries of Transportation and of the Army, shall make a study for a coordinated public and private transportation system to and within the recreation area and other units of the national park system in Marin and San Francisco Counties.

(e) Fees or admission charges

No fees or admission charges shall be levied for admission of the general public to the recreation area except to portions under lease or permit for a particular and limited purpose authorized by the Secretary. The Secretary may authorize reasonable charges for public transportation and for admission to the sailing vessel Balclutha and other historic vessels of the National Maritime Museum.

(f) Certain rental proceeds; crediting; management contract

Notwithstanding any other provisions of law, in the administration of those parcels of property known as Haslett Warehouse, Cliff House Properties and Louis' Restaurant, the Secretary shall credit any proceeds from the rental of space in the aforementioned properties to the appropriation, if any, bearing the cost of their administration, maintenance, repair and related expenses and also for the maintenance, repair and related expenses of the vessels and the adjacent piers comprising the San Francisco Maritime National Historical Park, and for major renovation and park rehabilitation of those buildings included in the Fort Mason Foundation Cooperative Agreement: *Provided*, That surplus funds, if any, will be deposited into the Treasury of the United States: *Provided further*, That notwithstanding any other provision of law, in the administration of said parcels and of the AFDL-38 Drydock or other vessels or heavy marine equipment, the Secretary may, if he deems appropriate, enter into a contract for the management (including rental or lease) of said properties with such terms and conditions as will protect the Government's interest, with excess funds being used as set forth above.

(Pub. L. 92-589, §4, Oct. 27, 1972, 86 Stat. 1302; Pub. L. 95-625, title III, §317(f), Nov. 10, 1978, 92 Stat. 3486; Pub. L. 99-395, §§1, 2(a), Aug. 27, 1986, 100 Stat. 836; Pub. L. 100-348, §6, June 27, 1988, 102 Stat. 657.)

AMENDMENTS

1988—Subsec. (f). Pub. L. 100-348 substituted "San Francisco Maritime National Historical Park" for "National Maritime Museum".

1986—Subsec. (e). Pub. L. 99-395, §2(a), substituted "and for admission to the sailing vessel Balclutha and other historic vessels of the National Maritime Museum" for "and, for a period not exceeding five years from November 10, 1978, for admission to the sailing vessel Balclutha".

Subsec. (f). Pub. L. 99-395, §1, struck out provision which had included a coordinated public and private ac-

cess system to and within the recreation area and other units of the national park system in Marin and San Francisco Counties among the allowable uses to which rental proceeds from Haslett Warehouse, Cliff House Properties and Louis' Restaurant were to be put, inserted in second proviso a reference to the administration of the AFDL-38 Drydock and other vessels or heavy marine equipment, and inserted parenthetical in second proviso to include rental or lease of properties under management contracts into which the Secretary may enter.

1978—Subsecs. (e), (f). Pub. L. 95-625 added subsecs. (e) and (f).

FORT BAKER AGREEMENTS AND LEASES

Pub. L. 108-7, div. F, title I, §114, Feb. 20, 2003, 117 Stat. 239, as amended by Pub. L. 109-54, title I, §131, Aug. 2, 2005, 119 Stat. 525, provided that: "Notwithstanding any other provision of law, the Secretary of the Interior hereafter has ongoing authority to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b) [now 40 U.S.C. 1302], with any person, firm, association, organization, corporation, or governmental entity, for all or part of the property within Fort Baker administered by the Secretary as part of the Golden Gate National Recreation Area. In furtherance of a lease entered into under the first sentence, the Secretary of the Interior or a lessee may impose fees on overnight lodgers for the purpose of covering the cost of providing utilities and transportation services at Fort Baker properties at a rate not to exceed the annual cost of providing these services. The proceeds of the agreements or leases or any statutorily authorized fees, hereafter shall be retained by the Secretary and such proceeds shall remain available until expended, without further appropriation, for the preservation, restoration, operation, maintenance, interpretation, public programs, and related expenses of the National Park Service and nonprofit park partners incurred with respect to Fort Baker properties, including utility expenses of the National Park Service or lessees of the National Park Service."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 106-291, title I, §115, Oct. 11, 2000, 114 Stat. 943.

Pub. L. 106-113, div. B, §1000(a)(3) [title I, §121], Nov. 29, 1999, 113 Stat. 1535, 1501A-159.

FORT BAKER GOLDEN GATE NATIONAL RECREATION AREA; TAX AND SPECIAL ASSESSMENT EXEMPTION

Pub. L. 106-113, div. B, §1000(a)(3) [title I, §120], Nov. 29, 1999, 113 Stat. 1535, 1501A-159, as amended by Pub. L. 111-88, div. A, title I, §123, Oct. 30, 2009, 123 Stat. 2932, provided that: "All properties administered by the National Park Service at Fort Baker, Golden Gate National Recreation Area, and leases, concessions, permits and other agreements associated with those properties, hereafter shall be exempt from all taxes and special assessments, except sales tax, by the State of California and its political subdivisions, including the County of Marin and the City of Sausalito."

Similar provisions were contained in Pub. L. 105-277, div. A, §101(e) [title I, §150], Oct. 21, 1998, 112 Stat. 2681-231, 2681-268.

FEES OR ADMISSION CHARGES; MONEYS COLLECTED SINCE NOVEMBER 10, 1983

Section 2(b) of Pub. L. 99-395 provided that: "Notwithstanding any other provisions of law, moneys collected pursuant to section 4(e) of the Act of October 27, 1972 (16 U.S.C. 460bb-3; 92 Stat. 3486), since November 10, 1983, shall be deemed to have been collected in accordance with such section as amended by this Act."

§ 460bb-4. Golden Gate National Recreation Area Advisory Commission

(a) Establishment

There is hereby established the Golden Gate National Recreation Area Advisory Commission (hereinafter referred to as the "Commission").

(b) Membership; appointment; term of office

The Commission shall be composed of eighteen members appointed by the Secretary for terms of five years each.¹ *Provided*, That the terms of those members who have been either appointed or reappointed subsequent to January 1, 1979, shall be extended so as to expire not before June 1, 1985.

(c) Vacancies

Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) Compensation and expenses; vouchers

Members of the Commission shall serve without compensation, as such, but the Secretary may pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this subchapter.

(e) Consultations of Secretary with members

The Secretary, or his designee, shall from time to time, but at least annually, meet and consult with the Commission on general policies and specific matters related to planning, administration and development affecting the recreation area and other units of the national park system in Marin, San Mateo, and San Francisco Counties.

(f) Voting

The Commission shall act and advise by affirmative vote of a majority of the members thereof.

(g) Termination date

The Commission shall cease to exist thirty years after October 27, 1972.

(Pub. L. 92-589, § 5, Oct. 27, 1972, 86 Stat. 1302; Pub. L. 95-625, title III, § 317(g), Nov. 10, 1978, 92 Stat. 3486; Pub. L. 96-344, § 4(2), (3), Sept. 8, 1980, 94 Stat. 1134; Pub. L. 96-607, title X, § 1001(6), (7), Dec. 28, 1980, 94 Stat. 3545; Pub. L. 102-525, title III, § 303, Oct. 26, 1992, 106 Stat. 3441.)

AMENDMENTS

1992—Subsec. (g). Pub. L. 102-525 substituted "thirty" for "twenty".

1980—Subsec. (b). Pub. L. 96-607, § 1001(6), substituted "eighteen" for "seventeen".

Pub. L. 96-344, § 4(2), substituted "five" for "three" and inserted proviso that the terms of members appointed or reappointed subsequent to Jan. 1, 1979, be extended so as not to expire before June 1, 1985.

Subsec. (e). Pub. L. 96-607, § 1001(7), substituted "Marin, San Mateo," for "Marin".

Subsec. (g). Pub. L. 96-344, § 4(3), substituted "twenty" for "ten".

1978—Subsec. (b). Pub. L. 95-625 increased Commission membership from fifteen to seventeen.

§ 460bb-5. Authorization of appropriations; limitation; adjustments

There are hereby authorized to be appropriated such sums as may be necessary to carry

out the provisions of this subchapter, but not more than \$61,610,000 plus \$15,500,000 shall be appropriated for the acquisition of lands and interests in lands. There are authorized to be appropriated not more than \$58,000,000 (May 1971 prices) for the development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein said total development ceiling to be reduced by \$10,000,000.

(Pub. L. 92-589, § 6, Oct. 27, 1972, 86 Stat. 1303; Pub. L. 96-199, title I, § 103(b), Mar. 5, 1980, 94 Stat. 68.)

AMENDMENTS

1980—Pub. L. 96-199 inserted "plus \$15,500,000" after "\$61,610,000" and "said total development ceiling to be reduced by \$10,000,000" after "type of construction involved herein".

SUBCHAPTER LXXXVII—GATEWAY NATIONAL RECREATION AREA

§ 460cc. Establishment

In order to preserve and protect for the use and enjoyment of present and future generations an area possessing outstanding natural and recreational features, the Gateway National Recreation Area (hereinafter referred to as the "recreation area") is hereby established.

(a) Composition and boundaries

The recreation area shall comprise the following lands, waters, marshes, and submerged lands in the New York Harbor area generally depicted on the map entitled "Boundary Map, Gateway National Recreation Area," numbered 951-40017 sheets 1 through 3 and dated May, 1972:

(1) Jamaica Bay Unit—including all islands, marshes, hassocks, submerged lands, and waters in Jamaica Bay, Floyd Bennett Field, the lands generally located between highway route 27A and Jamaica Bay, and the area of Jamaica Bay up to the shoreline of John F. Kennedy International Airport;

(2) Breezy Point Unit—the entire area between the eastern boundary of Jacob Riis Park and the westernmost point of the peninsula;

(3) Sandy Hook Unit—the entire area between Highway 36 Bridge and the northernmost point of the peninsula;

(4) Staten Island Unit—including Great Kills Park, World War Veterans Park at Miller Field (except for approximately 26 acres which are to be made available for public school purposes), Fort Wadsworth, and the waterfront lands located between the streets designated as Cedar Grove Avenue, Seaside Boulevard, and Drury Avenue and the bay from Great Kills to Fort Wadsworth;

(5) Hoffman and Swinburne Islands; and

(6) All submerged lands, islands, and waters within one-fourth of a mile of the mean low water line of any waterfront area included above.

(b) Boundary revisions; notification of Congressional committees; publication in Federal Register

The map referred to in this section shall be on file and available for public inspection in the of-

¹ So in original. The period probably should be a colon.