

“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 the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4),<sup>1</sup> as amended and supplemented, and the Secretary may utilize such statutory authority available to him for the conservation and man-

agement 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 Secretary 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 sur-

<sup>1</sup> See References in Text note below.

plus 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.)

#### REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

#### 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 access 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

Pub. L. 99-395, §2(b), Aug. 27, 1986, 100 Stat. 836, 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.<sup>1</sup> *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

<sup>1</sup> So in original. The period probably should be a colon.