

inconsistent with this section as the Secretary deems necessary. No continuation shall be made beyond such date unless the leaseholder agrees (1) to hold the United States harmless from any claim for damages or injury to persons or property arising from occupancy of or through the use of the property subject to such lease, and (2) to not unreasonably expand existing improvements.

“(b)(1) On and after December 31, 1989, the Secretary and any other officer or employee of the United States shall not terminate a lease to which this section applies, except as provided in paragraph (2) of this subsection.

“(2) On and after December 31, 1989, the Secretary may terminate a lease to which this section applies only if—

“(A) the property covered by the lease is needed for immediate use for public park purposes or other higher public use or for a navigation or flood control project; or

“(B) the leaseholder substantially violates a provision of such lease.

“(c) Subsections (a) and (b) of this section apply to (1) any cottage site lease of property, which lease was entered into by the Secretary of the Army pursuant to section 4 of the Act entitled ‘An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes’, approved December 22, 1944 (58 Stat. 889; 16 U.S.C. 460d), and is in effect on December 31, 1989, and (2) any assignment of such a lease.”

PROHIBITION ON ORDERS TO REMOVE HOUSEBOATS, ETC., FROM RESERVOIRS OR PROJECTS ADMINISTERED BY SECRETARY OF THE ARMY

Pub. L. 99-662, title XI, §1134(d), Nov. 17, 1986, 100 Stat. 4251, as amended by Pub. L. 101-640, title III, §320, Nov. 28, 1990, 104 Stat. 4643, provided that: “On and after December 31, 1989, no houseboat, boathouse, floating cabin, sleeping facilities at marinas, or lawfully installed dock or cabin or trailer and appurtenant structures shall be required to be removed from any Federal water resources reservoir or lake project administered by the Secretary on which it was located on the date of enactment of this Act [Nov. 17, 1986], if (1) such property is maintained in usable and safe condition, (2) such property does not occasion a threat to life or property, and (3) the holder of the lease, permit, or license is in substantial compliance with the existing lease or license, except where necessary for immediate use for public purposes or other higher public use or for a navigation or flood control project.”

Pub. L. 97-140, §6, Dec. 29, 1981, 95 Stat. 1718, provided that: “Notwithstanding any other provision of law, no houseboat, floating cabin, marina (including any with sleeping facilities), or lawfully installed dock or cabin and appurtenant structures shall be required to be removed before December 31, 1989, from any Federal water resources reservoir or lake project administered by the Secretary of the Army, acting through the Chief of Engineers, on which it was located on the date of enactment of this Act [Dec. 29, 1981], if such property is maintained in usable condition, and, in the judgment of the Chief of Engineers, does not occasion a threat to life or property.”

Similar provisions were contained in Pub. L. 97-128, §8, Dec. 29, 1981, 95 Stat. 1685.

SECRETARY OF THE AIR FORCE

For transfer of certain functions relating to real property under jurisdiction of Air Force, and certain functions relating to construction of buildings and facilities insofar as they may pertain to Department of the Air Force, from Secretary of the Army to Secretary of the Air Force, see Secretary of Defense Transfer Order Nos. 14, eff. July 1, 1948; 18, eff. July 7, 1948; and 40 [App. B(66)], July 22, 1949.

SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of Title 43, Public Lands.

§ 460d-1. Rentals or other considerations in leases for construction, maintenance, and operation of commercial recreational facilities; adjustment by Chief of Engineers

The Chief of Engineers, under the supervision of the Secretary of the Army, is authorized to amend any lease entered into providing for the construction, maintenance, and operation of commercial recreational facilities at a water resource development project under the jurisdiction of the Secretary of the Army so as to provide for the adjustment, either by increase or decrease, from time to time during the term of such lease of the amount of rental or other consideration payable to the United States under such lease, when and to the extent he determines such adjustment or extension to be necessary or advisable in the public interest. No adjustment shall be made under the authority of this section so as to increase or decrease the amount of rental or other consideration payable under such lease for any period prior to the date of such adjustment.

(Pub. L. 87-236, Sept. 14, 1961, 75 Stat. 509; Pub. L. 89-298, title II, §215, Oct. 27, 1965, 79 Stat. 1088.)

AMENDMENTS

1965—Pub. L. 89-298 struck out “before November 1, 1956” after “lease entered into”.

§ 460d-2. Adjustment by Secretary of Agriculture

The Secretary of Agriculture is authorized to amend any lease entered into with respect to lands under the jurisdiction of the Forest Service providing for the construction, maintenance, and operation of commercial recreational facilities at a Federal reservoir project so as to provide for the adjustment, either by increase or decrease, from time to time during the term of such lease of the amount of rental or other consideration payable to the United States under such lease, when and to the extent he determines such adjustment to be necessary or advisable in the public interest. No adjustment shall be made under the authority of this section so as to increase or decrease the amount of rental or other consideration payable under such lease for any period prior to the date of such adjustment.

(Pub. L. 87-411, Mar. 3, 1962, 76 Stat. 20.)

§ 460d-3. Recreational user fees

(a) Prohibition on admissions fees

No entrance or admission fees shall be collected after March 31, 1970, by any officer or employee of the United States at public recreation areas located at lakes and reservoirs under the jurisdiction of the Corps of Engineers, United States Army.