

reational purposes" in first proviso, inserted "or leases where appropriate" in second proviso, and inserted third proviso permitting lessees and licensees to cut timber and harvest crop in certain cases and containing provisions with respect to the collection, utilization, and disposition of the proceeds from the sale of timber and crops.

1946—Act July 24, 1946, inserted first proviso dealing with leases to nonprofit organizations.

CHANGE OF NAME

"United States magistrate judge" substituted for "United States magistrate" wherever appearing in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of Act July 26, 1947, was repealed by section 53 of Act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of Act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

EFFECTIVE DATE OF 1964 AMENDMENT

Pub. L. 88-578, title I, §1(a), Sept. 3, 1964, 78 Stat. 897, provided in part that: "This Act [amending this section, repealing section 14 of this title, and amending provisions set out as a note under section 120 of Title 23, Highways] shall become effective on January 1, 1965."

RECREATION POLICY

Pub. L. 104-303, title II, §208(a), Oct. 12, 1996, 110 Stat. 3680, provided that:

"(1) IN GENERAL.—The Secretary shall provide increased emphasis on, and opportunities for recreation at, water resources projects operated, maintained, or constructed by the Corps of Engineers.

"(2) REPORT.—Not later than 2 years after the date of the enactment of this Act [Oct. 12, 1996], the Secretary shall transmit to Congress a report on specific measures taken to implement this subsection."

CABIN SITE LEASES

Pub. L. 99-662, title XI, §1134(a)-(c), Nov. 17, 1986, 100 Stat. 4250, provided that:

"(a) On and after December 31, 1989, the Secretary shall continue in effect any lease or assignment thereof to which this section applies, until such time as such lease is terminated by the leaseholder, any successors or assigns of the leaseholder, or by the Secretary under subsection (b) of this section. Any such continuation beyond the date of expiration of such lease as in effect on December 31, 1989, shall be at fair market rentals and on such other reasonable terms and conditions not 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 con-

sideration 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.

(b) Fees for use of developed recreation sites and facilities

(1) Establishment and collection

Notwithstanding section 4607-6a(b)¹ of this title, the Secretary of the Army is authorized, subject to paragraphs (2) and (3), to establish and collect fees for the use of developed recreation sites and facilities, including campsites, swimming beaches, and boat launching ramps but excluding a site or facility which includes only a boat launch ramp and a courtesy dock.

(2) Exemption of certain facilities

The Secretary shall not establish or collect fees under this subsection for the use or provision of drinking water, wayside exhibits, roads, scenic drives, overlook sites, picnic tables, toilet facilities, surface water areas, undeveloped or lightly developed shoreland, or general visitor information.

¹ See References in Text note below.

(3) Per vehicle limit

The fee under this subsection for use of a site or facility (other than an overnight camping site or facility or any other site or facility at which a fee is charged for use of the site or facility as of August 10, 1993) for persons entering the site or facility by private, noncommercial vehicle transporting not more than 8 persons (including the driver) shall not exceed \$3 per day per vehicle. Such maximum amount may be adjusted annually by the Secretary for changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(4) Deposit into Treasury account

All fees collected under this subsection shall be deposited into the Treasury account for the Corps of Engineers established by section 4607-6a(i)¹ of this title and, subject to the availability of appropriations, shall be used for the purposes specified in section 4607-6a(i)(3)¹ of this title at the water resources development project at which the fees were collected.

(Pub. L. 90-483, title II, §210, Aug. 13, 1968, 82 Stat. 746; Pub. L. 103-66, title V, §5001(a), Aug. 10, 1993, 107 Stat. 378; Pub. L. 104-303, title II, §208(b)(1), Oct. 12, 1996, 110 Stat. 3680.)

REFERENCES IN TEXT

Subsections (b) and (i) of section 4607-6a of this title, referred to in subsec. (b)(1), (4), were repealed, except for par. (1)(C) of subsec. (i), by Pub. L. 108-447, div. J, title VIII, §813(a), Dec. 8, 2004, 118 Stat. 3390, as amended by Pub. L. 109-54, title I, §132(a), Aug. 2, 2005, 119 Stat. 526. Subsec. (i)(1)(C) of section 4607-6a of this title was repealed and restated as section 100904(a) of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 7, Dec. 19, 2014, 128 Stat. 3094, 3272.

AMENDMENTS

1996—Subsec. (b)(4), Pub. L. 104-303 inserted before period at end “and, subject to the availability of appropriations, shall be used for the purposes specified in section 4607-6a(i)(3) of this title at the water resources development project at which the fees were collected”.

1993—Pub. L. 103-66 inserted section catchline, struck out second sentence, designated remaining text as subsec. (a) and inserted heading, and added subsec. (b). Prior to amendment, second sentence read as follows: “User fees at these lakes and reservoirs shall be collected by officers and employees of the United States only from users of highly developed facilities requiring continuous presence of personnel for maintenance and supervision of the facilities, and shall not be collected for access to or use of water areas, undeveloped or lightly developed shoreland, picnic grounds, overlook sites, scenic drives, or boat launching ramps where no mechanical or hydraulic equipment is provided.”

ALTERNATIVE TO ANNUAL PASSES

Section 208(c) of Pub. L. 104-303, as amended by Pub. L. 106-53, title II, §218, Aug. 17, 1999, 113 Stat. 294, provided that:

“(1) IN GENERAL.—The Secretary shall evaluate the feasibility of implementing an alternative to the \$25 annual pass that the Secretary currently offers to users of recreation facilities at water resources projects of the Corps of Engineers.

“(2) ANNUAL PASS.—The evaluation under paragraph (1) shall include the establishment on a test basis of an annual pass that costs \$10 or less for the use of recreation facilities, including facilities at Raystown Lake, Pennsylvania.