

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Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of Title 43, Public Lands.

**Executive Documents**

## 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.

**§ 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.)

**Editorial Notes**

## 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)<sup>1</sup> 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.

**(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)<sup>1</sup> of this title and, subject to the availability of appropriations, shall be used for the purposes specified in section 4607-6a(i)(3)<sup>1</sup> 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.)

**Editorial Notes**

## 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

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

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 460l-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.”

#### Statutory Notes and Related Subsidiaries

##### 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.

“(3) REPORT.—Not later than December 31, 1999, the Secretary shall transmit to Congress a report on the results of the evaluation carried out under this subsection, together with recommendations concerning whether annual passes for individual projects should be offered on a nationwide basis.

“(4) EXPIRATION OF AUTHORITY.—The authority to establish an annual pass under paragraph (2) shall expire on the [sic] December 31, 2003.”

#### § 460d-3a. Contracts to provide visitor reservation services

The Secretary of the Army may, under such terms and conditions as the Secretary deems appropriate, contract with any public or private entity to provide visitor reservation services. Any such contract in effect on or after October 1, 2004, may provide that the contractor shall be permitted to deduct a commission to be fixed by the Secretary from the amount charged the public for providing such services and to remit the net proceeds therefrom to the contracting agency.

(Pub. L. 110-161, div. C, title I, § 121, Dec. 26, 2007, 121 Stat. 1946.)

#### SUBCHAPTER LXVII—COTTAGE SITE DEVELOPMENTS AND USES IN RESERVOIR AREAS

#### § 460e. Authorization for sale of public lands; rights of lessee

Whenever the Secretary of the Army determines that any Government-owned lands other than lands withdrawn or reserved from the pub-

lic domain within reservoir areas under his control (1) are not required for project purposes or for public recreational use, and (2) are being used for or are available for cottage site development and use, he is authorized to offer such lands, or any part thereof, for sale for such purposes in accordance with the provisions of this subchapter: *Provided, however,* That any lands held under lease for cottage site purposes on August 6, 1956 shall not be offered for sale to anyone other than the lessee until after sixty days from the date of the written notice to the lessee as provided in section 460f of this title, or the termination or expiration date of such lease, whichever is later, and the lessee shall have the right during such period to purchase any lands leased to him which the Secretary determines are available for sale.

(Aug. 6, 1956, ch. 987, § 1, 70 Stat. 1065.)

#### § 460f. Notice and method of sale; price; conveyance

##### (a) Public notice

Public notice of the availability of the lands for sale for cottage site development and use shall be given in such manner as the Secretary of the Army may by regulation prescribe, including publication within the vicinity of the lands available for sale: *Provided, however,* That notice to lessees of cottage sites shall be given in writing within 90 days after publication of such regulations in the Federal Register and the notice shall state the appraised fair market value of the land available for sale to such lessee.

##### (b) Method of sale

The sale of lands for cottage site development and use shall be accomplished by any method which the Secretary of the Army determines to be in the public interest, including public auction, seal bids, and by negotiation with lessees and with others after competitive bidding.

##### (c) Price

The price to be paid for any lands sold for cottage site development and use pursuant to the provisions of this subchapter shall be not less than the appraised fair market value thereof as determined by the Secretary of the Army.

##### (d) Conveyance

The Secretary of the Army is authorized to convey by quitclaim deed all the right, title, and interest of the United States in and to the lands sold for cottage site development and use pursuant to the provisions of this subchapter, the conveyance to be on condition that the property conveyed shall be used for cottage site purposes only, and in the event of use for any other purposes, title to the land and improvements shall revert to and vest in the United States; and subject to such other conditions, reservations, and restrictions as the Secretary may determine to be necessary for the management and operation of the reservoir, or for the protection of lessees or owners of cottage sites within the area.

(Aug. 6, 1956, ch. 987, § 2, 70 Stat. 1065.)