

117TH CONGRESS  
2D SESSION

# H. R. 8843

To require the Corps of Engineers to take certain actions with respect to rental amounts and administrative fees charged to certain marinas, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2022

Mr. COMER (for himself, Mr. ROGERS of Kentucky, Mr. ROSE, and Mr. GUTHRIE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To require the Corps of Engineers to take certain actions with respect to rental amounts and administrative fees charged to certain marinas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Maintaining Access  
5 to Recreational Industry and Necessary Adjustments Act”  
6 or the “MARINA Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1           (1) Marina concessionaires, individually and col-  
2           lectively, allow the Corps of Engineers to fulfill their  
3           responsibility to enhance public usage and enjoyment  
4           of Corps of Engineers facilities.

5           (2) Leases for commercial concession purposes  
6           provide a direct benefit to the public and the Fed-  
7           eral Government.

8           (3) The Corps of Engineers lacks a coordinated  
9           schedule or assessment for charging administrative  
10          fees to concessionaires across all Corps of Engineers  
11          districts.

12 **SEC. 3. RENTAL AMOUNTS, FEES, AND LEASE PERIODS FOR**  
13 **COVERED MARINAS.**

14          (a) LIMITATION ON RENTAL AMOUNTS.—In deter-  
15          mining the amount of rent charged to the operator of a  
16          covered marina for a covered lease, the Secretary shall,  
17          for purposes of applying the Revised Graduated Rental  
18          System—

19               (1) exclude from the total gross receipts cal-  
20               culation the combined covered receipts; and

21               (2) establish a percentage rate applicable to  
22               such combined covered receipts of not more than 1  
23               percent.

24          (b) FEE SCHEDULES FOR ADMINISTRATIVE FEES.—

1           (1) IN GENERAL.—The Secretary shall estab-  
2       lish, for covered leases, a standardized fee schedule  
3       for administrative fees assessed to operators of cov-  
4       ered marinas, applicable to all Corps of Engineers  
5       districts, that specifies under what circumstances  
6       and at what time such a fee is to be assessed.

7           (2) LIMITATIONS.—

8           (A) AMOUNTS.—The Secretary may assess,  
9       for a covered lease—

10           (i) an administrative fee of not more  
11       than \$50,000 to the operator of a covered  
12       marina only for—

13           (I) activities involving land dis-  
14       turbances that require a major review  
15       effort, coordination and concurrence  
16       with State agencies, other Federal  
17       agencies, or Tribal governments, and  
18       review and approval at the head-  
19       quarters level of the Corps of Engi-  
20       neers; and

21           (II) activities relating to lease  
22       area expansions of 100 acres or more;

23           (ii) an administrative fee of not more  
24       than \$5,000 to the operator of a covered  
25       marina only for activities (not involving

land disturbances) that require a moderate review effort, which may involve coordination and concurrence with State agencies, other Federal agencies, or Tribal governments; and

(iii) an administrative fee of not more than \$1,000 to the operator of a covered marina for any other activities.

(B) PROHIBITION.—The Secretary may not assess, for a covered lease, an administrative fee to the operator of a covered marina for a standard lease renewal, an extension of lease terms, or activities relating to lease transfers or sales to an entity other than a covered marina.

(3) PUBLICATION.—The Secretary shall post the fee schedule established under paragraph (1) on a public website of the Corps of Engineers.

(c) LEASE PERIODS.—Section 4 of the Flood Control Act of 1944 (16 U.S.C. 460d) is amended by inserting “(which shall be not less than 50 years for an initial lease or for the first renewal after the date of enactment of the MARINA Act of a lease in effect on such date, and not less than 25 years for any subsequent lease renewal)” after “at water resource development projects for such periods”.

1 (d) RULEMAKING.—The Secretary shall issue a final  
2 rule to carry out this section and the amendment made  
3 by this section, which final rule shall take effect not later  
4 than 1 year after the date of enactment of this Act.

5 (e) EFFECT ON EXISTING LEASES.—Nothing in this  
6 section authorizes the Secretary to modify a lease in effect  
7 on the date of enactment of this Act, except as necessary  
8 to implement the requirements of this section and the  
9 amendment made by this section.

10 (f) DEFINITIONS.—In this section:

11 (1) COMBINED COVERED RECEIPTS.—The term  
12 “combined covered receipts” means the combined re-  
13 ceipts, from business operations conducted at a cov-  
14 ered marina, of the operator of the covered marina  
15 and all entities operating pursuant to a contract  
16 with such operator, from prepared food, beverages,  
17 fuel, boats, and expensive, boat-related items, such  
18 as boat motors and boat lifts.

19 (2) COVERED LEASE.—The term “covered  
20 lease” means a lease for commercial concession pur-  
21 poses under section 4 of the Flood Control Act of  
22 1944 (16 U.S.C. 460d).

23 (3) COVERED MARINA.—The term “covered ma-  
24 rina” means a marina operating pursuant to a cov-  
25 ered lease.

1           (4) REVISED GRADUATED RENTAL SYSTEM.—

2       The term “Revised Graduated Rental System”  
3       means the Revised Graduated Rental System estab-  
4       lished in Engineer Regulation 405–1–12, or any suc-  
5       cessor rental system used by the Secretary for pur-  
6       poses of calculating rental amounts for covered  
7       leases.

8           (5) SECRETARY.—The term “Secretary” means  
9       the Secretary of the Army, acting through the Chief  
10      of Engineers.

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