

Public Law 108-485
108th Congress

An Act

Dec. 23, 2004
[H.R. 4027]

To authorize the Secretary of Commerce to make available to the University of Miami property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for use by the University for a Marine Life Science Center.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVAILABILITY OF NOAA REAL PROPERTY ON VIRGINIA KEY, FLORIDA.

(a) **IN GENERAL.**—The Secretary of Commerce may make available to the University of Miami real property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for development by the University of a Marine Life Science Center.

(b) **MANNER OF AVAILABILITY.**—The Secretary may make property available under this section by easement, lease, license, or long-term agreement with the University.

(c) **AUTHORIZED USES BY UNIVERSITY.**—

(1) **IN GENERAL.**—Property made available under this section may be used by the University (subject to paragraph (2)) to develop and operate facilities for multidisciplinary environmental and fisheries research, assessment, management, and educational activities.

(2) **AGREEMENT.**—Property made available under this section may not be used by the University (including any affiliate of the University) except in accordance with an agreement with the Secretary that—

(A) specifies—

(i) the conditions for non-Federal use of the property; and

(ii) the retained Federal interests in the property, including interests in access to and egress from the property by Federal personnel and preservation of existing rights-of-way;

(B) establishes conditions for joint occupancy of buildings and other facilities on the property by the University and Federal agencies; and

(C) includes provisions that ensure—

(i) that there is no diminishment of existing National Oceanic and Atmospheric Administration programs and services at Virginia Key; and

(ii) the availability of the property for planning, development, and construction of future Federal buildings and facilities.

- (3) **TERMINATION OF AVAILABILITY.**—The availability of property under this section shall terminate immediately upon use of the property by the University—
- (A) for any purpose other than as described in paragraph (1); or
 - (B) in violation of the agreement under paragraph (2).
- (d) **USE OF FACILITIES BY SECRETARY.**—The Secretary may—
- (1) subject to the availability of funding, enter into an agreement to occupy facilities constructed by the University on property made available under this section; and
 - (2) participate with the University in collaborative research at, or administered through, such facilities.
- (e) **NO CONVEYANCE OF TITLE.**—This section shall not be construed to convey or authorize conveyance of any interest of the United States in title to property made available under this section.

Approved December 23, 2004.

LEGISLATIVE HISTORY—H.R. 4027:

HOUSE REPORTS: No. 108-665 (Comm. on Resources).
CONGRESSIONAL RECORD, Vol. 150 (2004):
Sept. 13, considered and passed House.
Dec. 8, considered and passed Senate.