

**Union Calendar No. 405**108TH CONGRESS  
2D SESSION**H. R. 4027****[Report No. 108-665]**

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.

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**IN THE HOUSE OF REPRESENTATIVES**

MARCH 24, 2004

Ms. ROS-LEHTINEN (for herself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MEEK of Florida, and Mr. MARIO DIAZ-BALART of Florida) introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 8, 2004

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on March 24, 2004]

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**A BILL**

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.

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. AVAILABILITY OF NOAA REAL PROPERTY ON**  
4       **VIRGINIA KEY, FLORIDA.**

5       *(a) IN GENERAL.—The Secretary of Commerce may*  
6       *make available to the University of Miami real property*  
7       *under the administrative jurisdiction of the National Oce-*  
8       *anic and Atmospheric Administration on Virginia Key,*  
9       *Florida, for use by the University for a Marine Life Science*  
10      *Center.*

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

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

15           *(1) IN GENERAL.—Property made available*  
16      *under this section may be used by the University*  
17      *(subject to paragraph (2)) to develop and operate fa-*  
18      *cilities for multidisciplinary environmental and fish-*  
19      *eries research, assessment, management, and edu-*  
20      *cational activities.*

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

1 (A) specifies—

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

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

9 (B) establishes conditions for joint occu-  
10 pancy of buildings and other facilities on the  
11 property by the University and Federal agencies;  
12 and

13 (C) includes provisions that ensure—

14 (i) that there is no diminishment of ex-  
15 isting National Oceanic and Atmospheric  
16 Administration programs and services at  
17 Virginia Key; and

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

21 (3) *TERMINATION OF AVAILABILITY.*—The avail-  
22 ability of property under this section shall terminate  
23 immediately upon use of the property by the Univer-  
24 sity in violation of the agreement under paragraph  
25 (2).

1       (d) *USE OF FACILITIES BY SECRETARY.*—*The Sec-*  
2 *retary may—*

3           (1) *subject to the availability of appropriations,*  
4 *lease facilities constructed by the University on prop-*  
5 *erty made available under this section; and*

6           (2) *participate with the University in collabo-*  
7 *rative research at, or administered through, such fa-*  
8 *cilities.*

9       (e) *NO CONVEYANCE OF TITLE.*—*This section shall not*  
10 *be construed to convey or authorize conveyance of any inter-*  
11 *est of the United States in title to property made available*  
12 *under this section.*



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