

on file and available for public inspection in the offices of the United States Fish and Wildlife Service and National Park Service, Department of the Interior, Washington, District of Columbia. After advising the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, in writing, at least sixty days prior to making any boundary revisions, the Secretary may from time to time make minor revisions in the boundaries of the seashore by publication of a revised map or other boundary description in the Federal Register: *Provided*, That the total acreage included within the boundaries shall not exceed that enumerated in this section.

(Pub. L. 93-626, §1, Jan. 3, 1975, 88 Stat. 2121; Pub. L. 103-437, §6(a)(4), Nov. 2, 1994, 108 Stat. 4583.)

#### AMENDMENTS

1994—Pub. L. 103-437 substituted “Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives” for “Committees on Interior and Insular Affairs of the United States Congress”.

### **§ 459j-1. Acquisition of property; donation and development of State lands; transfer from Federal agency to administrative jurisdiction of Secretary; written cooperative agreement with National Aeronautics and Space Administration; construction and development; report to Congressional committees**

Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer. Any property owned by the State of Florida or any political subdivision thereof may be acquired only by donation. It is the intent and purpose of sections 459j to 459j-8 of this title that the Secretary shall have sole authority to develop and improve those State owned lands donated now and in the future in accordance with the intent and purposes of sections 459j to 459j-8 of this title. Notwithstanding any other provision of law, any federally owned property within the boundaries of the seashore may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary of the Interior and he may develop and administer such lands in a manner consistent with the purposes of sections 459j to 459j-8 of this title. In accepting lands transferred by the National Aeronautics and Space Administration pursuant to sections 459j to 459j-8 of this title the Secretary shall enter into a written cooperative agreement with the Administrator to assure the use of such lands in a manner which is deemed consistent with the public safety and with the needs of the space and defense programs of the Nation: *Provided*, That no new construction or development shall be permitted within the seashore, except for the construction of such facilities as the Secretary deems necessary for the health and safety of the visiting public or for the proper administration of the seashore: *Provided further*, That after January 3, 1975, the Secretary of the Interior, in cooperation with the Administrator of the National Aeronautics and

Space Administration, shall submit to the Committees on Natural Resources and on Science, Space, and Technology of the House of Representatives and to the Committees on Energy and Natural Resources and on Commerce, Science, and Transportation of the Senate a report of all land transfers made by the National Aeronautics and Space Administration to the Department of the Interior under sections 459j to 459j-8 of this title.

(Pub. L. 93-626, §2, Jan. 3, 1975, 88 Stat. 2122; Pub. L. 103-437, §6(o), Nov. 2, 1994, 108 Stat. 4586.)

#### AMENDMENTS

1994—Pub. L. 103-437 substituted “Natural Resources and on Science, Space, and Technology of the House of Representatives and to the Committees on Energy and Natural Resources and on Commerce, Science, and Transportation of the Senate” for “Interior and Insular Affairs of the Congress and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate”.

#### ADDITIONS TO SEASHORE

Pub. L. 100-564, §§1, 3, Oct. 31, 1988, 102 Stat. 2831, authorized and directed the Secretary of the Interior to acquire certain lands depicted on a map entitled “Additions to Canaveral National Seashore”, required the Secretary to file the map with certain Congressional committees, and authorized appropriations necessary to carry out such acquisitions.

### **§ 459j-2. Improved property**

#### **(a) Owner’s reservation of right of use and occupancy for residential purposes for life or fixed term of years; exception of property for visitor facilities, access to, or administration of seashore; compensation**

Except for property deemed necessary by the Secretary for visitor facilities, or for access to or administration of the seashore, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is the later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated to the United States, the Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

#### **(b) Termination of use and occupancy upon inconsistent use; tender of compensation**

The Secretary may terminate a right of use and occupancy retained pursuant to this section upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of sections 459j to 459j-8 of this title, and upon tender to the holder of the right of an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

#### **(c) “Improved property” defined**

The term “improved property”, as used in this section shall mean a detached, noncommercial