

104TH CONGRESS
1ST SESSION

S. 261

To authorize the Secretary of Commerce to permit the use and occupancy of certain lands within the jurisdiction of the National Oceanic and Atmospheric Administration for recreational and public uses.

IN THE SENATE OF THE UNITED STATES

JANUARY 23 (legislative day, JANUARY 10), 1995

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize the Secretary of Commerce to permit the use and occupancy of certain lands within the jurisdiction of the National Oceanic and Atmospheric Administration for recreational and public uses.

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. USE AND OCCUPANCY OF LANDS FOR REC-**
4 **REATIONAL AND PUBLIC USES.**

5 (a) AUTHORITY OF THE SECRETARY OF COM-
6 MERCE.—

7 (1) IN GENERAL.—The Secretary of Commerce
8 (hereafter in this Act referred to as the “Secretary”)

1 may, under such terms and conditions as the Sec-
2 retary may prescribe by regulation, issue permits in
3 accordance with this section for the public and rec-
4 reational use and occupancy of suitable lands under
5 the jurisdiction of the National Oceanic and Atmos-
6 pheric Administration, if such use or occupancy is
7 compatible with and will not interfere with or reduce
8 the effectiveness of the purposes for which the Na-
9 tional Oceanic and Atmospheric Administration is to
10 operate the site.

11 (b) PERMITS.—Each permit issued under subsection
12 (a)—

13 (1) shall be issued for a term of 30 years, un-
14 less the Secretary determines that—

15 (A) the facilities or operations to which the
16 permit relates are likely to require long-term fi-
17 nancing or operation; or

18 (B) there are public policy reasons specific
19 to the permit for a shorter permit term;

20 (2) shall encompass such acreage as the Sec-
21 retary determines to be appropriate to accommodate
22 the permittee's needs, including needs relating to
23 public use and appropriate ancillary facilities;

24 (3) may be renewed at the discretion of the
25 Secretary;

1 (4) may be canceled by the Secretary in whole
2 or in part—

3 (A) for any violation of the permit terms
4 and conditions or for nonpayment of permit
5 fees; or

6 (B) upon the determination of the Sec-
7 retary that the land to which the permit relates
8 is needed for Federal purposes;

9 (5) may be modified by the Secretary to accom-
10 modate changes in plans or operations;

11 (6) shall be subject to such reasonable terms
12 and conditions as the Secretary determines to be ap-
13 propriate; and

14 (7) shall be subject to a permit fee based on
15 fair market value.

16 (c) DISPOSITION OF PERMIT REVENUES.—

17 (1) DEPOSIT.—Revenues of \$1,000,000 or less
18 received in any fiscal year in connection with permit
19 fees authorized under subsection (b)(7) shall be de-
20 posited in an account established by the Secretary of
21 the Treasury in the Treasury of the United States.

22 (2) APPROPRIATION.—Revenues deposited in
23 accordance with paragraph (1) may be appropriated
24 to the Secretary of Commerce for the administration

1 of lands under the jurisdiction of the National Oce-
2 anic and Atmospheric Administration.

3 (3) EXCESS.—Any revenues in excess of
4 \$1,000,000 received in any fiscal year in connection
5 with permit fees authorized under subsection (b)(7)
6 shall be deposited to the general fund of the Treas-
7 ury of the United States as miscellaneous receipts.

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