

In the House of Representatives, U. S.,

October 7, 1994.

Resolved, That the House agree to the amendment of the Senate to the text of the bill (H.R. 3664) entitled “An Act to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility”, with the following

AMENDMENTS:

In lieu of the matter inserted by said amendment to the text of the bill, strike out all after the enacting clause of H.R. 3664 and insert:

1 ***TITLE I—FISH HATCHERY CONVEYANCES***

2 ***SECTION 101. CONVEYANCE OF NEW LONDON NATIONAL***

3 ***FISH HATCHERY PRODUCTION FACILITY TO***

4 ***THE STATE OF MINNESOTA.***

5 (a) *CONVEYANCE AUTHORIZED.—Notwithstanding*
6 *any other provision of law and within 180 days after the*
7 *date of the enactment of this Act, the Secretary of the Inte-*
8 *rior shall convey to the State of Minnesota without reim-*
9 *bursement all right, title, and interest of the United States*
10 *in and to the property comprising the New London Na-*
11 *tional Fish Hatchery production facility, located outside of*
12 *downtown New London, Minnesota, including—*

1 *all real property, improvements to real property, and per-*
2 *sonal property.*

3 *(c) USE AND REVERSIONARY INTEREST.—The prop-*
4 *erty conveyed to the State of Iowa pursuant to this section*
5 *shall be used by the State for purposes of fishery resources*
6 *management, and if it is used for any other purpose all*
7 *right, title, and interest in and to all property conveyed*
8 *pursuant to this section shall revert to the United States.*

9 **SEC. 103. CONVEYANCE OF CORNING NATIONAL FISH**
10 **HATCHERY TO THE STATE OF ARKANSAS.**

11 *(a) CONVEYANCE REQUIREMENT.—The Secretary of*
12 *the Interior shall convey to the State of Arkansas, without*
13 *reimbursement and by no later than 90 days after the en-*
14 *actment of this act, all right, title, and interest of the*
15 *United States in and to the property described in subsection*
16 *(b), for use by the Arkansas Game and Fish Commission*
17 *as part of the State of Arkansas Fish culture program.*

18 *(b) PROPERTY DESCRIBED.—The property referred to*
19 *in subsection (a) is the property known as the Corning Na-*
20 *tional Fish Hatchery (popularly known as the William H.*
21 *Donham State Fish Hatchery), located one mile west of*
22 *Corning, Arkansas, on Arkansas State Highway 67 in Clay*
23 *County, Arkansas, consisting of 137.34 acres (more or less),*
24 *and all improvements and related personal property under*

1 *the control of the Secretary that is located on that property,*
 2 *including buildings, structures, and equipment.*

3 (c) *REVERSIONARY INTEREST OF THE UNITED*
 4 *STATES.—All right, title, and interest in property described*
 5 *in subsection (b) shall revert to the United States if the*
 6 *property ceases to be used as part of the State of Arkansas*
 7 *fish culture program. The State of Arkansas shall ensure*
 8 *that the property reverting to the United States is in sub-*
 9 *stantially the same or better condition as at the time of*
 10 *transfer.*

11 ***TITLE II—OCEAN RADIOACTIVE WASTE***
 12 ***DUMPING BAN***

13 ***SEC. 201. OCEAN RADIOACTIVE WASTE.***

14 (a) *AMENDMENTS TO THE OCEAN DUMPING ACT.—The*
 15 *Marine Protection, Research, and Sanctuaries Act of 1972*
 16 *(33 U.S.C. 1401 et seq.) is amended—*

17 (1) *in section 3 (33 U.S.C. 1402), by—*

18 (A) *striking paragraph (j); and*

19 (B) *redesignating the following paragraphs*
 20 *accordingly;*

21 (2) *by altering a reference to the paragraphs re-*
 22 *designated under paragraph (1) of this section;*

23 (3) *in section 102(a) (33 U.S.C. 1412(a)), by*
 24 *striking “high-level” before “radioactive waste”; and*

1 (4) in section 104 (33 U.S.C. 1414), by striking
2 subsection (i).

3 (b) *CLARIFICATION.*—Nothing in this section shall af-
4 fect the transportation of material containing de minimis
5 levels of radioactivity for the purpose of dumping it into
6 ocean waters under the Marine Protection, Research, and
7 Sanctuaries Act of 1972.

8 **TITLE III—THE EDWIN B. FORSYTHE**
9 **NATIONAL WILDLIFE REFUGE**

10 **SEC. 301. VISITOR CENTER.**

11 (a) *AUTHORITY.*—

12 (1) *IN GENERAL.*—The Secretary of the Interior
13 shall, subject to the availability of appropriations,
14 construct and operate a visitor center at the Edwin
15 B. Forsythe National Wildlife Refuge in Atlantic
16 County, New Jersey for purposes of—

17 (A) providing public opportunities, facili-
18 ties, and resources to study the natural history
19 and natural resources of New Jersey and its
20 coast;

21 (B) providing public opportunities, facili-
22 ties, and resources to highlight and research
23 areas and artifacts of historical significance
24 within the Refuge;

1 (C) fostering an awareness and understand-
2 ing of the interactions among wildlife, coastal
3 and wetland ecosystems, and human activities
4 both in a modern and historical context; and

5 (D) providing office space and facilities for
6 refuge administration, research, educational, and
7 related activities.

8 (b) *DESIGN.*—The Secretary of the Interior shall en-
9 sure that the design, size, and location of a facility con-
10 structed under this section are consistent with the cultural
11 and natural history of the area with which the facility will
12 be concerned.

13 (c) *COST SHARING.*—The Secretary of the Interior
14 may accept contributions of funds from non-Federal sources
15 to pay the costs of operating and maintaining the facility
16 authorized under this section, and shall diligently pursue
17 appropriate steps to obtain such contributions.

18 **TITLE IV—STATE AND FEDERAL**
19 **COOPERATION**

20 **SEC. 401. IN GENERAL.**

21 To the greatest extent practicable, the Secretary of the
22 Interior and the heads of other federal agencies shall consult
23 and cooperate with state fish and wildlife agency personnel
24 on areas of mutual concern involving the conservation of
25 fish, wildlife and their habitats, and the implementation

1 *of federal laws involving the conservation of such species*
2 *and their habitats. In cooperating with such agencies, the*
3 *Secretary and the heads of other federal agencies shall not*
4 *be subject to the provisions of the Federal Advisory Commit-*
5 *tee Act (5 U.S.C. APP. 2).*

6 **TITLE V—DON EDWARDS CENTER FOR EN-**
7 **VIRONMENTAL EDUCATION AT SAN**
8 **FRANCISCO BAY NATIONAL WILDLIFE**
9 **REFUGE**

10 **SEC. 501. FINDINGS.**

11 *The Congress Finds that:*

12 *(1) The San Francisco Bay National Wildlife*
13 *Refuge provides great opportunities for observing and*
14 *interpreting the biological richness of the San Fran-*
15 *cisco Bay estuary and its wetlands and wildlife.*

16 *(2) Congressman Don Edwards was the sponsor*
17 *of legislation to establish and to expand the San*
18 *Francisco Bay National Wildlife Refuge and has led*
19 *the efforts to secure acquisition funds for the refuge.*

20 *(3) The people of the San Francisco Bay area*
21 *and the State of California will benefit, for decades*
22 *to come, from the tireless efforts of Congressman Don*
23 *Edwards on behalf of environmental protection and*
24 *specifically, in establishing the San Francisco Bay*
25 *National Wildlife Refuge.*

1 (4) *Congressman Don Edwards should most ap-*
2 *propriately be recognized for his work by having the*
3 *San Francisco Bay National Wildlife Refuge visitor*
4 *center named and dedicated in his honor.*

5 **SEC. 502. SAN FRANCISCO BAY NATIONAL WILDLIFE REF-**
6 **UGE NAMED AS DON EDWARDS CENTER FOR**
7 **ENVIRONMENTAL EDUCATION.**

8 *Within 60 days of enactment, the Secretary of the Inte-*
9 *rior shall rename the San Francisco Bay National Wildlife*
10 *Refuge visitor center as the Don Edwards Center for Envi-*
11 *ronmental Education.*

12 **SEC. 503. COST SHARING.**

13 *Notwithstanding any provision of law, the Secretary*
14 *of the Interior may solicit, accept and expend contributions*
15 *of funds from non-Federal sources to help support the costs*
16 *of operation and maintenance of the Don Edwards Center*
17 *for Environmental Education.*

18 **TITLE VI—AMENDMENTS TO THE COASTAL**
19 **BARRIER RESOURCES SYSTEM**

20 **SEC. 601. CORRECTION TO MAPS.**

21 *(a) IN GENERAL.—The Secretary of the Interior shall,*
22 *not later than 30 days after the enactment of this Act, make*
23 *such corrections to the maps described in subsection (b) as*
24 *are necessary to ensure that—*

1 (1) depictions of areas on the maps are consist-
2 ent with the depictions of areas appearing on the
3 maps entitled “Coastal Barrier Resources System”,
4 dated September 27, 1994, and on file with the Sec-
5 retary of the Interior; and

6 (2) the Coastal Barriers Resources System does
7 not include any area that, on the day before the date
8 of the enactment of this Act, was part of unit FL-
9 O5P of the system.

10 (b) *MAPS DESCRIBED.*—The maps described in this
11 subsection are maps that—

12 (1) are included in a set of maps entitled
13 “Coastal Barrier Resources System”, dated October
14 24, 1990; and

15 (2) relate to the following units of the Coastal
16 Barrier Resources System: AL-01P, FL-05P, P11A,
17 P17, P17A, P18P, P19P, FL-15, FL-95P, FL-36P,
18 P31P, FL-72P, MI-21, NY-75, and VA-62P.

19 (c) *AUTHORIZATION OF APPROPRIATIONS.*—Section 12
20 of Coastal Barrier Resources Act (16 U.S.C. 3510) is
21 amended to read as follows:

22 **“SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

23 *“There are authorized to be appropriated to the Sec-*
24 *retary for carrying out this Act \$2,000,000 for each of fiscal*
25 *years 1995 through 1998.”.*

1 **TITLE VII—RHINOCEROS AND TIGER**
2 **CONSERVATION**

3 **SEC. 701. SHORT TITLE.**

4 *This title may be cited as the “Rhinoceros and Tiger*
5 *Conservation Act of 1994”.*

6 **SEC. 702. FINDINGS.**

7 *The Congress finds the following:*

8 (1) *The world’s rhinoceros population is declin-*
9 *ing at an alarming rate, a 90 percent decline since*
10 *1970.*

11 (2) *All 5 subspecies of tiger are currently threat-*
12 *ened with extinction in the wild, with approximately*
13 *5,000 to 6,000 tigers remaining worldwide.*

14 (3) *All rhinoceros species have been listed on Ap-*
15 *pendix I of CITES since 1977.*

16 (4) *All tiger subspecies have been listed on Ap-*
17 *pendix I of CITES since 1987.*

18 (5) *The tiger and all rhinoceros species, except*
19 *the southern subspecies of white rhinoceros, are listed*
20 *as endangered species under the Endangered Species*
21 *Act of 1973 (16 U.S.C. 1531 et seq.).*

22 (6) *In 1987, the parties of CITES adopted a res-*
23 *olution that urged all parties to establish a morato-*
24 *rium on the sale and trade in rhinoceros products*
25 *(other than legally taken trophies), to destroy govern-*

1 *ment stockpiles of rhinoceros horn, and to exert pres-*
2 *sure on countries continuing to allow trade in rhinoc-*
3 *eros products.*

4 (7) *On September 7, 1993, under section 8 of the*
5 *Fishermen's Protection Act of 1967 (22 U.S.C. 1978)*
6 *the Secretary certified that the People's Republic of*
7 *China and Taiwan were engaged in trade of rhinoc-*
8 *eros parts and tiger parts that diminished the effec-*
9 *tiveness of an international conservation program for*
10 *that endangered species.*

11 (8) *On September 9, 1993, the Standing Com-*
12 *mittee of CITES, in debating the continuing problem*
13 *of trade in rhinoceros horn and tiger parts, adopted*
14 *a resolution urging parties to CITES to implement*
15 *stricter domestic measures, up to and including an*
16 *immediate prohibition in trade in wildlife species.*

17 (9) *On November 8, 1993, under section 8 of the*
18 *Fishermen's Protection Act of 1967 (22 U.S.C. 1978),*
19 *the President announced that the United States would*
20 *impose trade sanction against China and Taiwan un-*
21 *less substantial progress was made by March 1994 to-*
22 *wards ending trade in rhinoceros and tiger products.*

23 (10) *On April 11, 1994, under section 8 of the*
24 *Fishermen's Protective Act of 1967 (22 U.S.C. 1978),*
25 *the President—*

1 (A) directed that imports of wildlife speci-
2 mens and products from Taiwan be prohibited,
3 in response to Taiwan's failure to undertake suf-
4 ficient actions to stop illegal rhinoceros and tiger
5 trade; and

6 (B) indicated that the certification of China
7 would remain in effect and directed that addi-
8 tional monitoring of China's progress be under-
9 taken.

10 **SEC. 703. PURPOSES.**

11 *The purposes of this Act are the following:*

12 (1) *To assist in the conservation of rhinoceros*
13 *and tigers by supporting the conservation programs of*
14 *nations whose activities directly or indirectly affect*
15 *rhinoceros and tiger populations, and the CITES Sec-*
16 *retariat.*

17 (2) *To provide financial resources for those pro-*
18 *grams.*

19 **SEC. 704. DEFINITIONS.**

20 *In this Act—*

21 (1) *“CITES” means the Convention of Inter-*
22 *national Trade in Endangered Species of Wild Fauna*
23 *and Flora, signed on March 3, 1973, and its appen-*
24 *dices;*

1 (2) “conservation” means the use of all methods
2 and procedures necessary to bring rhinoceros and ti-
3 gers to the point at which there are sufficient popu-
4 lations to ensure that those species do not become ex-
5 tinct, including all activities associated with scientific
6 resource management, such as research, census, law
7 enforcement, habitat protection, acquisition, and
8 management, propagation, live trapping, and trans-
9 portation;

10 (3) “Fund” means the Rhinoceros and Tiger
11 Conservation Fund established under section 706(a);

12 (4) “Secretary” means the Secretary of the Inte-
13 rior; and

14 (5) “Administrator” means the Administrator of
15 the Agency for International Development.

16 **SEC. 705. RHINOCEROS AND TIGER CONSERVATION AS-**
17 **SISTANCE.**

18 (a) *IN GENERAL.*—The Secretary, subject to the avail-
19 ability of appropriations and in consultation with the Ad-
20 ministrator, shall use amounts in the Fund to provide fi-
21 nancial assistance for projects for the conservation of rhi-
22 noceros and tigers.

23 (b) *PROJECT PROPOSAL.*—A country whose activities
24 directly or indirectly affect rhinoceros or tiger populations,
25 the CITES Secretariat, or any other person may submit

1 to the Secretary a project proposal under this section. Each
2 proposal shall—

3 (1) name the individual responsible for conduct-
4 ing the project;

5 (2) state the purposes of the project succinctly;

6 (3) describe the qualifications of the individuals
7 who will conduct the project;

8 (4) estimate the funds and time required to com-
9 plete the project;

10 (5) provide evidence of support of the project by
11 appropriate governmental entities of countries in
12 which the project will be conducted, if the Secretary
13 determines that the support is required for the success
14 of the project; and

15 (6) provide any other information the Secretary
16 considers to be necessary for evaluating the eligibility
17 of the project for funding under this Act.

18 (c) *PROJECT REVIEW AND APPROVAL.*—Within 30
19 days of receiving a final project proposal, the Secretary
20 shall provide a copy of the proposal to the Administrator.
21 The Secretary shall review each final project proposal to
22 determine if it meets the criteria set forth in subsection (d).
23 Not later than 6 months after receiving a final project pro-
24 posal, and subject to the availability of funds, the Secretary,
25 after consulting with the Administrator, shall approve or

1 *disapprove the proposal and provide written notification*
2 *to the person who submitted the proposal, to the Adminis-*
3 *trator, and to each country within which the project is to*
4 *be conducted.*

5 *(d) CRITERIA FOR APPROVAL.—The Secretary may*
6 *approve a project under this section if the project will en-*
7 *hance programs for conservation of rhinoceros or tigers by*
8 *assisting efforts to—*

9 *(1) implement conservation programs;*

10 *(2) enhance compliance with provisions of*
11 *CITES and laws of the United States or a foreign*
12 *country that prohibit or regulate the taking or trade*
13 *of rhinoceros or tigers or the use of rhinoceros or tiger*
14 *habitat; or*

15 *(3) develop sound scientific information on that*
16 *species' habitat condition and carrying capacity,*
17 *total numbers and population trends, or annual re-*
18 *production and mortality.*

19 *(e) PROJECT SUSTAINABILITY.—To the maximum ex-*
20 *tent practical, the Secretary should give consideration to*
21 *projects which will enhance sustainable development pro-*
22 *grams to ensure effective, long-term conservation of rhinoc-*
23 *eros and tigers.*

24 *(f) PROJECT REPORTING.—Each person that receives*
25 *assistance under this section for a project shall provide peri-*

1 *odic reports, as the Secretary considers necessary, to the*
2 *Secretary and the Administrator. Each report shall include*
3 *all information requested by the Secretary, after consulting*
4 *with the Administrator, for evaluating the progress and suc-*
5 *cess of the project.*

6 **SEC. 706. RHINOCEROS AND TIGER CONSERVATION FUND.**

7 *(a) ESTABLISHMENT.—There is established in the gen-*
8 *eral fund of the Treasury a separate account to be known*
9 *as the “Rhinceros and Tiger Conservation Fund”, which*
10 *shall consist of amounts deposited into the Fund of the Sec-*
11 *retary of the Treasury under subsection (b).*

12 *(b) DEPOSITS INTO THE FUND.—The Secretary of the*
13 *Treasury shall deposit into the Fund—*

14 *(1) all amounts received by the Secretary in the*
15 *form of donations under subsection (d); and*

16 *(2) other amounts appropriated to the Fund.*

17 *(c) USE.—*

18 *(1) IN GENERAL.—Subject to paragraph (2), the*
19 *Secretary may use amounts in the Fund without fur-*
20 *ther appropriation to provide assistance under section*
21 *705.*

22 *(2) ADMINISTRATION.—Of amounts in the Fund*
23 *available for each fiscal year, the Secretary may use*
24 *not more than 3 percent to administer the Fund.*

1 (d) *ACCEPTANCE AND USE OF DONATIONS.*—*The Sec-*
2 *retary may accept and use donations to provide assistance*
3 *under section 705. Amounts received by the Secretary in*
4 *the form of donations shall be transferred to the Secretary*
5 *of the Treasury for deposit into the Fund.*

6 ***SEC. 707. AUTHORIZATION OF APPROPRIATIONS.***

7 *There are authorized to be appropriated to the Fund*
8 *\$10,000,000 for each of fiscal years, 1996, 1997, 1998, 1999,*
9 *and 2000 to carry out this Act, to remain available until*
10 *expended.*

Amend the title so as to read: “An Act to direct the Secretary of the Interior to transfer certain national fish hatcheries, and for other purposes.”.

Attest:

Clerk.

103RD CONGRESS
2^D SESSION

H. R. 3664

**AMENDMENTS
TO
SENATE AMENDMENTS**