

CORNING NATIONAL FISH HATCHERY CONVEYANCE ACT

FEBRUARY 15, 1995.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 535]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 535) to direct the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment (stated in terms of the page and line number of the introduced bill) is as follows:

Page 2, line 16, strike subsection (c) and insert the following:

(c) USE AND REVERSIONARY INTEREST.—The property conveyed to the State of Arkansas pursuant to this section shall be used by the State for purposes of fishery resources management, and if it is used for any other purposes all right, title, and interest in an to all property conveyed pursuant to this section shall revert to the United States. The State of Arkansas shall ensure that the property reverting to the United States is in substantially the same or better condition as at the time of transfer.

PURPOSE OF THE BILL

The purpose of H.R. 535 is to direct the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas.

BACKGROUND AND NEED FOR LEGISLATION

As introduced, H.R. 535 directs the Secretary of the Interior to convey to the State of Arkansas, without reimbursement and by 180 days after enactment, all right, title, and interest of the United States in the Federal fish hatchery in Corning, Arkansas.

The Corning National Fish Hatchery was operated by the U.S. Fish and Wildlife Service (USFWS) serving private farm pond and State stocking programs until early 1983, when it was closed as a result of Federal budget cuts. In May 1983, the Arkansas Game and Fish Commission, pursuant to an agreement with the USFWS, assumed responsibility for operating the hatchery to ensure that State stocking programs would continue in the future. Currently, no Federal funds are used to operate or maintain the hatchery. It is financed solely by funds derived from resident and nonresident fishery license sales.

This fish hatchery has become an important component of the Arkansas fish culture program. It is a warm water facility that produces between 250,000 to 1,000,000 fish each year. About 95 percent of these hatchery-reared fish are stocked in new or renovated public lakes, providing recreational opportunities for thousands of people. The remaining fish are allocated to private applicants for stocking new renovated lakes and ponds. The principal fish produced at the hatchery are largemouth bass, bluegill, sunfish, white and black crappie, and channel catfish.

The State is now interested in making capital improvements to the facility and long-term plans for its use, but is hesitant to do so without title to the property. H.R. 535 would transfer ownership of the hatchery and the immediate property (130 acres) and buildings to the State of Arkansas. Ownership would revert back to the United States should the State decide in the future that it is no longer interested in operating the facility as part of its fishery resources management program.

COMMITTEE ACTION

H.R. 535 was introduced by Congresswoman Blanche Lambert Lincoln on January 17, 1995. It was referred to the Committee on Resources, and subsequently referred to the Subcommittee on Fisheries, Wildlife and Oceans.

On January 25, 1995, the Subcommittee on Fisheries, Wildlife and Oceans held an oversight hearing on H.R. 535. Mr. Gary Edwards, Assistant Director for Fisheries, USFWS, testified for the Administration.

Mr. Edwards noted in his testimony that the Administration agreed with the intent of the legislation and that "the U.S. Fish and Wildlife Service has generally supported the transfer of Service fishery facilities to the States when those facilities no longer support Federal fishery programs". Mr. Edwards also suggested in his testimony that the reversionary clause language in H.R. 535 be modified to make it consistent with other hatchery transfer bills.

On February 1, 1995, the Subcommittee on Fisheries, Wildlife and Oceans met to consider H.R. 535. Mr. Saxton offered an amendment to the reversionary clause language which broadens the purposes for which this hatchery facility can be used by the

State, as recommended by the Administration. The amendment was approved by voice vote. Mr. Miller of California also offered an amendment requiring that the State of Arkansas pay the Federal Government the fair market value of the Corning facility at the time of the transfer. This amendment was rejected by voice vote. The bill, as amended, was then approved by voice vote, with the presence of a quorum, and ordered reported to the Full Committee.

On February 8, 1995, the Full Committee met to consider H.R. 535. There were no further amendments to the bill. The bill, as amended by the Subcommittee, was approved by voice vote, with a quorum present, and ordered reported to the House of Representatives.

SECTION-BY-SECTION ANALYSIS

Section 1 states that the bill may be cited as the "Corning National Fish Hatchery Conveyance Act".

Section 2(a) directs the Secretary of the Interior to convey to the State of Arkansas, without reimbursement, all right, title, and interest of the United States in and to the property known as the Corning National Fish Hatchery in Corning, Arkansas. The conveyance shall include the hatchery, all immediate property, all improvements, and related personal property under the control of the Secretary that is located on the property, including buildings, structures, and equipment.

Section 2(c) mandates that all property and interest conveyed shall revert to the United States if the State of Arkansas decides to no longer use the property for fisheries resources management and requires the State to ensure that the property is in substantially the same or better conditions as at the time of transfer.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(l)(3) of rule XI of the Rules of the House of Representatives and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 535 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7 of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 535. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirements of clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Subcommittee on Fisheries, Wildlife and Oceans held hearings on January 25, 1995, to transfer the Corning National Fish Hatchery to the State of Arkansas and the oversight findings and recommendations of the Committee are reflected in this report.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 535.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 535 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 10, 1995.

Hon. DON YOUNG,
*Chairman, Committee on Resources, House of Representatives,
Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 535, the Corning National Fish Hatchery Conveyance Act, as ordered reported by the House Committee on Resources on February 8, 1995.

H.R. 535 would direct the Secretary of the Interior to convey the Corning National Fish Hatchery, without reimbursement, to the state of Arkansas. Because the state is already responsible for operating the Corning facility, we expect that implementing this bill would have no impact on the federal budget or on the budgets of state or local governments. Moreover, the bill would have no effect on direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER, *Director.*

CHANGES IN EXISTING LAW

If enacted, H.R. 535 would make no changes in existing law.

DEPARTMENTAL REPORTS

The Committee has received no departmental reports on H.R. 535.