

CONVEYANCE OF NEW LONDON NATIONAL FISH
HATCHERY PRODUCTION FACILITY

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. 614]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 614) to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility, 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 11, strike subsection (c) and insert the following:

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

PURPOSE OF THE BILL

The purpose of H.R. 614 is to direct the Secretary of the Interior to convey the New London National Fish Hatchery to the State of Minnesota.

BACKGROUND AND NEED FOR LEGISLATION

As introduced, H.R. 614 directs the Secretary of the Interior to convey to the State of Minnesota, without reimbursement and within 180 days after enactment, all right, title, and interest of the United States in the Federal fish hatchery in New London, Minnesota.

The New London National Fish Hatchery was operated by the Federal Government until 1983 for the purpose of producing fish for landowners and State stocking programs. When the Federal Government decided to discontinue operations at the New London facility in 1983, the State assumed operations to ensure that the State stocking program would continue in the future. Since that time, the Minnesota Department of Natural Resources has been producing gamefish at the facility under a Memorandum of Agreement with the U.S. Fish and Wildlife Service (USFWS). The hatchery plans an important role in the State's walleye and muskie stocking program.

Under the terms of the agreement, the State of Minnesota assumed responsibility for all operational costs, maintenance, and liability. Since 1983, the State has spent nearly \$800,000 on operations, maintenance, and improvements to the New London National Fish Hatchery. These costs are summarized below:

NEW LONDON FISH HATCHERY COSTS 1984-94

| Year | Operations | | Maintenance | | Improvements | | Total |
|---------------|------------|----------|-------------|---------|--------------|----------|----------|
| | Salary | Disc | Salary | Disc | Salary | Disc | |
| 1984-85 | \$25,900 | \$12,700 | \$4,600 | \$3,600 | ..... | ..... | \$46,800 |
| 1985-86 | 26,700 | 12,900 | 4,800 | 4,100 | ..... | ..... | 48,500 |
| 1986-87 | 29,700 | 13,900 | 5,300 | 4,900 | ..... | ..... | 53,800 |
| 1987-88 | 32,000 | 15,100 | 5,500 | 5,100 | ..... | ..... | 57,700 |
| 1988-89 | 32,800 | 15,800 | 5,800 | 5,000 | ..... | ..... | 59,400 |
| 1989-90 | 38,200 | 7,000 | 23,600 | 14,400 | \$10,120 | \$11,400 | 112,020 |
| 1990-91 | 57,000 | 32,700 | 10,400 | 8,900 | ..... | ..... | 109,000 |
| 1991-92 | 54,800 | 29,200 | 13,600 | 7,700 | ..... | ..... | 105,300 |
| 1992-93 | 73,000 | 16,000 | 10,700 | 7,500 | ..... | ..... | 107,200 |
| 1993-94 | 67,100 | 17,000 | 10,200 | 5,700 | ..... | ..... | 100,000 |
| Total | 437,200 | 172,300 | 94,500 | 66,900 | 10,120 | 11,400 | 779,720 |

While the State of Minnesota now has a strong interest in making a number of long-term capital improvements, without ownership, they are unable to do so. H.R. 614 would transfer ownership of the hatchery and the immediate property and buildings to the State of Minnesota. Ownership would revert 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.

The bill is supported by both the State of Minnesota and USFWS.

COMMITTEE ACTION

H.R. 614 was introduced by Congressman David Minge on January 20, 1995. The bill was referred to the Committee on Resources, and subsequently to the Subcommittee on Fisheries, Wildlife and Oceans.

On January 25, 1995, the Subcommittee on Fisheries, Wildlife and Oceans held an oversight hearing on several bills to transfer certain Federal fish hatcheries to the States. While H.R. 614 was not originally part of the Subcommittee's deliberations, this proposal fits the criteria described in the testimony of Mr. Gary Edwards, Assistant Director for Fisheries, United States Fish and Wildlife Service. Mr. Edwards noted in his statement 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*" [emphasis ours].

Furthermore, the Subcommittee was provided with a copy of a letter written by Mr. Sam Marler, a Regional Director of USFWS. In his letter, Mr. Marler stated that "the U.S. Fish and Wildlife Service supports the proposed legislation to convey the New London National Fish Hatchery to the State of Minnesota. The State has been very cooperative by providing walleye eggs and a small number of walleye fingerlings to meet high priority Federal program needs. We expect that this type of cooperative activity will continue."

On February 1, 1995, the Subcommittee on Fisheries, Wildlife and Oceans met to consider H.R. 614. Mr. Saxton of New Jersey offered an amendment to the reversionary clause language to broaden the purpose for which this hatchery can be utilized by the State in the future. The amendment was adopted by voice vote.

Mr. Miller of California also offered an amendment to H.R. 614 that would require the State of Minnesota to pay the Federal Government the fair market value of the New London facility at the time of transfer. This amendment was rejected by voice vote. The bill, as amended, was then approved by voice vote, in the presence of a quorum, and ordered reported to the Full Committee.

On February 8, 1995, the Full Committee met to consider H.R. 614. There were no further amendments to the bill. The bill, as amended by the Subcommittee, was approved by voice vote with a quorum of Members present and ordered reported to the House of Representatives.

SECTION-BY-SECTION ANALYSIS

Section 1(a) directs the Secretary of the Interior to convey to the State of Minnesota, without reimbursement, all right, title, and interest of the United States in and to the property known as the New London National Fish Hatchery in New London, Minnesota. The conveyance shall include the hatchery, all easements and water rights related to the property, and all land, improvements and related personal property.

Section 1(b) requires that all property and interest conveyed will be used for the Minnesota fishery resources management program.

Section 1(c) mandates that all property and interest conveyed shall revert to the United States if the State of Minnesota decides to no longer use the property for fishery resource management and requires the State to ensure that the property is in substantially the same or better condition 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. 614 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. 614. 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 requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 614 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

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. 614.

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. 614 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. 614, a bill to direct the Secretary of the Interior to convey to the state of Minnesota the New London National Fish Hatchery production facility, as ordered reported by the House Committee on Resources February 8, 1995.

H.R. 614 would direct the Secretary of the Interior to convey the new London National Fish Hatchery without reimbursement, to the state of Minnesota. Because the state is already responsible for operating the New London 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. 614 would make no changes in existing law.

DEPARTMENTAL REPORTS

The Committee has received no departmental reports on H.R. 614.

