

Calendar No. 549

105TH CONGRESS
2^D SESSION

S. 2317

[Report No. 105-310]

To improve the National Wildlife Refuge System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 16, 1998

Mr. CHAFEE (by request) introduced the following bill; which was read twice
and referred to the Committee on Environment and Public Works

SEPTEMBER 8 (legislative day, AUGUST 31), 1998

Reported by Mr. CHAFEE, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To improve the National Wildlife Refuge System, and for
other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “National Wildlife Ref-
5 uge System Improvement Act of 1998”.

1 **SEC. 2. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE**
2 **AND FISH REFUGE.**

3 (a) IN GENERAL.—In accordance with section
4 4(a)(3) of the National Wildlife Refuge System Adminis-
5 tration Act of 1966 (16 U.S.C. 668dd(a)(3)), there are
6 transferred to the Corps of Engineers, without reimburse-
7 ment, approximately 37.36 acres of land of the Upper Mis-
8 sissippi River Wildlife and Fish Refuge in the State of
9 Minnesota, as designated on the map entitled “Upper Mis-
10 sissippi National Wildlife and Fish Refuge lands trans-
11 ferred to Corps of Engineers”, dated January 1998, and
12 available, with accompanying legal descriptions of the
13 land, for inspection in appropriate offices of the United
14 States Fish and Wildlife Service.

15 (b) CONFORMING AMENDMENTS.—The first section
16 and section 2 of the Upper Mississippi River Wild Life
17 and Fish Refuge Act (16 U.S.C. 721, 722) are amended
18 by striking “Upper Mississippi River Wild Life and Fish
19 Refuge” each place it appears and inserting “Upper Mis-
20 sissippi River National Wildlife and Fish Refuge”.

21 **SEC. 3. KILLCOHOOK COORDINATION AREA.**

22 (a) IN GENERAL.—In accordance with section
23 4(a)(3) of the National Wildlife Refuge System Adminis-
24 tration Act of 1966 (16 U.S.C. 668dd(a)(3)), the jurisdic-
25 tion of the United States Fish and Wildlife Service over
26 approximately 1,439.26 acres of land in the States of New

1 Jersey and Delaware, known as the “Killehook Coordina-
2 tion Area”, as established by Executive Order No. 6582,
3 issued February 3, 1934, and Executive Order No. 8648,
4 issued January 23, 1941, is terminated.

5 (b) EXECUTIVE ORDERS.—Executive Order No.
6 6582, issued February 3, 1934, and Executive Order No.
7 8648, issued January 23, 1941, are revoked.

8 **SEC. 4. LAKE ELSIE NATIONAL WILDLIFE REFUGE.**

9 (a) IN GENERAL.—In accordance with section
10 4(a)(3) of the National Wildlife Refuge System Adminis-
11 tration Act of 1966 (16 U.S.C. 668dd(a)(3)), the jurisdic-
12 tion of the United States Fish and Wildlife Service over
13 approximately 634.7 acres of land and water in Richland
14 County, North Dakota, known as the “Lake Elsie Na-
15 tional Wildlife Refuge”, as established by Executive Order
16 No. 8152, issued June 12, 1939, is terminated.

17 (b) EXECUTIVE ORDER.—Executive Order No. 8152,
18 issued June 12, 1939, is revoked.

19 **SEC. 5. KLAMATH FOREST NATIONAL WILDLIFE REFUGE.**

20 Section 28 of the Act of August 13, 1954 (25 U.S.C.
21 564w-1), is amended in subsections (f) and (g) by striking
22 “Klamath Forest National Wildlife Refuge” each place it
23 appears and inserting “Klamath Marsh National Wildlife
24 Refuge”.

1 **SEC. 6. VIOLATION OF NATIONAL WILDLIFE REFUGE SYS-**
 2 **TEM ADMINISTRATION ACT.**

3 Section 4 of the National Wildlife Refuge System Ad-
 4 ministration Act of 1966 (16 U.S.C. 668dd) is amended—

5 (1) in the first sentence of subsection (c), by
 6 striking “knowingly”; *and*

7 (2) in subsection (f)—

8 (A) by striking “(f) Any” and inserting the
 9 following:

10 “(f) PENALTIES.—

11 “(1) KNOWING VIOLATIONS.—Any”;

12 (B) by inserting “knowingly” after “who”;

13 *and*

14 (C) by adding at the end the following:

15 “(2) OTHER VIOLATIONS.—Any person who
 16 otherwise violates or fails to comply with any of the
 17 provisions of this Act (including a regulation issued
 18 under this Act) shall be fined under title 18, United
 19 States Code, or imprisoned not more than 180 days,
 20 or both.”; ~~and .~~

21 ~~(3) in subsection (g)—~~

22 ~~(A) by striking “(g) Any” and inserting~~
 23 ~~the following:~~

24 ~~“(g) ENFORCEMENT.—~~

25 ~~“(1) IN GENERAL.—Any”;~~ *and*

26 ~~(B) by adding at the end the following:~~

1 “(2) FORFEITURE.—A gun, trap, net, or other
2 equipment, or a vessel, vehicle, aircraft, or other
3 means of transportation, used to aid the commission
4 of a violation of this Act (including a regulation
5 issued under this Act) shall be subject to forfeiture
6 on conviction of a criminal violation under sub-
7 section (f)(1).

8 “(3) OTHER LAWS.—

9 “(A) IN GENERAL.—Except as provided in
10 subparagraph (B), all provisions of law relating
11 to the seizure, forfeiture, and condemnation of
12 property for a violation of the customs laws of
13 the United States, the disposition of the prop-
14 erty and the proceeds of sale of the property,
15 and the remission or mitigation of the forfeit-
16 ure, shall apply to a seizure or forfeiture in-
17 curred, or alleged to have been incurred, under
18 this Act to the extent that the provisions of law
19 are applicable to, and not inconsistent with, this
20 Act.

21 “(B) OFFICERS OR EMPLOYEES.—All pow-
22 ers, rights, and duties conferred or imposed by
23 the customs laws of the United States on any
24 officer or employee of the Department of the
25 Treasury shall, for the purposes of this Act, be

1 exercised or performed by the Secretary or such
2 persons as the Secretary may designate.”.

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