

109TH CONGRESS  
2D SESSION

# H. R. 5381

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2006

Received

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## AN ACT

To enhance an existing volunteer program of the United States Fish and Wildlife Service and promote community partnerships for the benefit of national fish hatcheries and fisheries program offices

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “National Fish Hatch-  
3 ery System Volunteer Act of 2006”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5       (a) FINDINGS.—Congress finds the following:

6           (1) The National Fish Hatchery System (in this  
7 Act referred to as the “System”)—

8               (A) consists of more than 60 hatcheries,  
9 seven fish technology centers, 9 fish health cen-  
10 ters, and other fisheries program offices;

11              (B) plays an integral role in the recovery  
12 of more than 50 threatened species and endan-  
13 gered species and the restoration of over 100  
14 native species;

15              (C) provides healthy fish populations that  
16 support recreational fishing opportunities, many  
17 of which are related to Federal water control  
18 structures; and

19              (D) works with over 250 partners to help  
20 mitigate the impacts of aquatic habitat loss and  
21 invasive species.

22           (2) The System faces many challenges, includ-  
23 ing aging facilities, some of which date back to the  
24 late 1800s, and maintenance of intensive infrastruc-  
25 tures such as wells, pumps, valves, pipes, filters,  
26 heaters, chillers, and treatment systems that must

1 keep clean water moving 24 hours a day, 365 days  
2 a year.

3 (3) By encouraging volunteer programs and do-  
4 nations and fostering non-Federal partnerships with  
5 hatchery facilities, Federal funding for the hatch-  
6 eries can be supplemented.

7 (4) By encouraging hatchery educational pro-  
8 grams, public awareness of the resources of the Sys-  
9 tem and public participation in the conservation of  
10 aquatic resources can be promoted.

11 (b) PURPOSES.—The purposes of this Act are the fol-  
12 lowing:

13 (1) To encourage the use of volunteers to assist  
14 the United States Fish and Wildlife Service in the  
15 management of hatcheries within the System.

16 (2) To facilitate partnerships between the Sys-  
17 tem and non-Federal entities to promote public  
18 awareness of the resources of the System and public  
19 participation in the conservation of those resources.

20 (3) To encourage donations and other contribu-  
21 tions by individuals and organizations to the System.

22 **SEC. 3. GIFTS TO SYSTEM AND PARTICULAR NATIONAL**  
23 **FISH HATCHERIES.**

24 (a) AUTHORIZATION OF GIFTS, DEVICES, AND BE-  
25 QUESTS FOR SYSTEM.—In furtherance of the purposes of

1 this Act, the Secretary of the Interior may accept any  
2 gifts, devises, or bequests of real and personal property,  
3 or proceeds therefrom, or interests therein, for the benefit  
4 of the National Fish Hatchery System. Such acceptance  
5 may be subject to the terms of any restrictive or affirma-  
6 tive covenant, or condition of servitude, if such terms are  
7 deemed by the Secretary to be in accordance with law and  
8 compatible with the purpose for which acceptance is  
9 sought.

10 (b) USE OF GIFTS, DEVISES, AND BEQUESTS.—

11 (1) IN GENERAL.—Any gifts and bequests of  
12 money and proceeds from the sales of other property  
13 received as gifts or bequests pursuant to this sub-  
14 section shall be deposited in a separate account in  
15 the Treasury and may be expended without further  
16 appropriation by the Secretary for the benefit of the  
17 System programs administered by the United States  
18 Fish and Wildlife Service.

19 (2) GIFTS, DEVISES, AND BEQUESTS FOR PAR-  
20 TICULAR FACILITIES.—

21 (A) DISBURSAL.—Any gift, devise, or be-  
22 quest made for the benefit of a facility of the  
23 System shall be disbursed only for the benefit  
24 of that facility and without further appropria-  
25 tions.

1 (B) MATCHING.—Subject to the avail-  
2 ability of appropriations and the requirements  
3 of the Fish and Wildlife Coordination Act (16  
4 U.S.C 661 et seq.) and other applicable law, the  
5 Secretary may provide funds to match gifts, de-  
6 vise, and bequests made for the benefit of a fa-  
7 cility of the System. With respect to each gift,  
8 devise, or bequest, the amount of Federal funds  
9 may not exceed the amount (or, in the case of  
10 property or in-kind services, the fair market  
11 value) of the gift, devise, or bequest.

12 **SEC. 4. VOLUNTEER ENHANCEMENT PILOT PROJECTS.**

13 (a) IN GENERAL.—Subject to the availability of ap-  
14 propriations, the Secretary of the Interior shall carry out  
15 a pilot project at 1 or more facilities of the System. Each  
16 pilot project shall provide for a volunteer coordinator for  
17 the hatchery facility. The volunteer coordinator shall be  
18 responsible for recruiting, training, and supervising volun-  
19 teers. The volunteer coordinator may be responsible for  
20 assisting partner organizations in developing projects and  
21 programs under cooperative agreements under section  
22 7(d) of the Fish and Wildlife Act of 1956 (16 U.S.C.  
23 742f(d)) and coordinating volunteer activities with partner  
24 organizations to carry out the projects and programs.

1 (b) REPORT.—Not later than 3 years after the date  
2 of the enactment of this Act, the Secretary shall submit  
3 a report to the Committee on Resources of the House of  
4 Representatives and the Committee on Environment and  
5 Public Works of the Senate evaluating and making rec-  
6 ommendations regarding the pilot projects.

7 **SEC. 5. COMMUNITY PARTNERSHIP ENHANCEMENT.**

8 (a) PROJECTS AND PROGRAMS.—Subject to the re-  
9 quirements of the Fish and Wildlife Coordination Act (16  
10 U.S.C. 661 et seq.) and other applicable law, and such  
11 terms and conditions as the Secretary of the Interior de-  
12 termines to be appropriate, the Secretary may approve  
13 projects and programs for a facility of the System that—

14 (1) promote the stewardship of resources of the  
15 hatchery through habitat maintenance, restoration,  
16 and improvement, biological monitoring, or research;

17 (2) support the operation and maintenance of  
18 the hatchery through constructing, operating, main-  
19 taining, or improving the facilities and services of  
20 the hatchery;

21 (3) increase the awareness and understanding  
22 of the hatchery and the System, through the devel-  
23 opment, publication, or distribution of educational  
24 materials and products;

1           (4) advance education concerning the purposes  
2           of the hatchery and the mission of the System,  
3           through the use of the hatchery as an outdoor class-  
4           room and development of other educational pro-  
5           grams; or

6           (5) contribute financial resources to the hatch-  
7           ery, under the terms that require that the net reve-  
8           nues be used exclusively for the benefit of the hatch-  
9           ery, through donation of net revenues from the sale  
10          of educational materials and products and through  
11          encouragement of gifts, devises, and bequests.

12          (b) TREASURY ACCOUNT.—Amounts received by the  
13          Secretary of the Interior as a result of projects and pro-  
14          grams under subsection (a) shall be deposited in a sepa-  
15          rate account in the Treasury. Amounts in the account that  
16          are attributable to activities at a particular facility of the  
17          System shall be available to the Secretary of the Interior,  
18          without further appropriation, to pay the costs of inci-  
19          dental expenses related to volunteer activities, and to carry  
20          out cooperative agreements for the hatchery facility.

21      **SEC. 6. HATCHERY EDUCATION PROGRAM DEVELOPMENT.**

22          (a) GUIDANCE.—Not later than 1 year after the date  
23          of enactment of this Act, the Secretary of the Interior  
24          shall develop guidance for the hatchery education pro-

1 grams to further the mission of the System and the pur-  
2 poses of individual hatcheries through—

3           (1) providing outdoor classroom opportunities  
4       for students on fish hatcheries that combine edu-  
5       cational curricula with the personal experiences of  
6       students relating to fish, aquatic species, and their  
7       habitat, and to the cultural and historical resources  
8       of the hatcheries;

9           (2) promoting understanding and conservation  
10      of fish, aquatic species, and the cultural and histor-  
11      ical resources of the hatcheries; and

12           (3) improving scientific literacy in conjunction  
13      with both formal and nonformal education programs.

14       (b) HATCHERY PROGRAMS.—Based on the guidance  
15   developed under subsection (a), the Secretary of the Inte-  
16   rior may, with assistance from the Fish and Wildlife Man-  
17   agement Assistance Program, develop or enhance hatchery  
18   educational programs as appropriate, based on the re-  
19   sources of individual hatcheries and the opportunities  
20   available for such programs in State, local, and private  
21   schools. In developing and implementing each program,  
22   the Secretary should cooperate with State and local edu-



1 cation authorities, and may cooperate with partner organi-  
2 zations in accordance with subsection (d).

Passed the House of Representatives September 12,  
2006.

Attest:

KAREN L. HAAS,

*Clerk.*