

Calendar No. 629

109TH CONGRESS
2^D SESSION**H. R. 4957**

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2006

Received; read twice and placed on the calendar

AN ACT

To direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, 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 **TITLE I—TYLERSVILLE FISH**
4 **HATCHERY CONVEYANCE**

5 **SEC. 101. SHORT TITLE.**

6 This title may be cited as the “Tylersville Fish
7 Hatchery Conveyance Act”.

1 **SEC. 102. CONVEYANCE OF TYLERSVILLE NATIONAL FISH**
2 **HATCHERY TO THE STATE OF PENNSYLVANIA.**
3 **VANIA.**

4 (a) CONVEYANCE REQUIREMENT.—Within 180 days
5 after the date of the enactment of this Act, the Secretary
6 of the Interior shall convey to the State of Pennsylvania
7 without reimbursement all right, title, and interest of the
8 United States in and to the property described in sub-
9 section (b) for use by the Pennsylvania Fish and Boat
10 Commission as part of the State of Pennsylvania fish cul-
11 ture program.

12 (b) PROPERTY DESCRIBED.—The property referred
13 to in subsection (a) consists of—

14 (1) the Tylersville division of the Lamar Na-
15 tional Fish Hatchery and Fish Technology Center
16 comprised of approximately 40 acres leased to the
17 State of Pennsylvania Fish and Boat Commission,
18 located on 43 Hatchery Lane in Loganton, Pennsyl-
19 vania, as described in the 1984 Cooperative Agree-
20 ment between the United States Fish and Wildlife
21 Service and the State of Pennsylvania;

22 (2) all improvements and related personal prop-
23 erty under the control of the Secretary that is lo-
24 cated on that property, including buildings, struc-
25 tures, equipment, and all easements and leases relat-
26 ing to that property; and

1 (3) all water rights relating to that property.

2 (c) REVERSIONARY INTEREST.—If any of the prop-
3 erty conveyed to the State of Pennsylvania under this sec-
4 tion is used for any purpose other than the use authorized
5 under subsection (a), all right, title, and interest in and
6 to all property conveyed under this section shall revert to
7 the United States. The State of Pennsylvania shall ensure
8 that all property reverting to the United States under this
9 subsection is in substantially the same or better condition
10 as at the time of transfer to the State.

11 **TITLE II—NATIONAL FISH AND** 12 **WILDLIFE FOUNDATION**

13 **SEC. 201. SHORT TITLE.**

14 This title may be cited as the “National Fish and
15 Wildlife Foundation Reauthorization Act of 2006”.

16 **SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 10(a)(1) of the National Fish and Wildlife
18 Foundation Establishment Act (16 U.S.C. 3709(a)(1)) is
19 amended by striking “fiscal years 2001 through 2005”
20 and inserting “fiscal years 2006 through 2010”.

21 **SEC. 203. APPLICATION OF NOTICE REQUIREMENT LIM-** 22 **ITED TO GRANTS MADE WITH FEDERAL** 23 **FUNDS.**

24 Section 4(i) of the National Fish and Wildlife Foun-
25 dation Establishment Act (16 U.S.C. 3703(i)) is amended

1 by striking “grant of funds” and inserting “grant of Fed-
2 eral funds in an amount greater than \$10,000”.

3 **SEC. 204. CLARIFICATION OF AUTHORITY TO USE FEDERAL**
4 **FUNDS TO MATCH CONTRIBUTIONS MADE TO**
5 **RECIPIENTS OF NATIONAL FISH AND WILD-**
6 **LIFE FOUNDATION GRANTS.**

7 Section 10(a)(3) of the National Fish and Wildlife
8 Foundation Establishment Act (16 U.S.C. 3709(a)(3)) is
9 amended by inserting “, or to a recipient of a grant pro-
10 vided by the Foundation,” after “made to the Founda-
11 tion”.

12 **TITLE III—NEOTROPICAL MI-**
13 **GRATORY BIRD CONSERVA-**
14 **TION IMPROVEMENT**

15 **SEC. 301. SHORT TITLE.**

16 This title may be cited as the “Neotropical Migratory
17 Bird Conservation Improvement Act of 2006”.

18 **SEC. 302. AMENDMENTS TO NEOTROPICAL MIGRATORY**
19 **BIRD CONSERVATION ACT.**

20 (a) FINDINGS.—Section 2(1) of the Neotropical Mi-
21 gratory Bird Conservation Act (16 U.S.C. 6101(1)) is
22 amended by inserting “but breed in Canada and the
23 United States” after “the Caribbean”.

1 (b) PURPOSES.—Section 3(2) of such Act (16 U.S.C.
2 6102(2)) is amended by inserting “Canada,” after
3 “United States,”.

4 (c) DEFINITION OF CARIBBEAN.—Section 4 of such
5 Act (16 U.S.C. 6103) is amended—

6 (1) by redesignating paragraphs (2) and (3) as
7 paragraphs (3) and (5), respectively;

8 (2) by inserting after paragraph (1) the fol-
9 lowing:

10 “(2) CARIBBEAN.—The term ‘Caribbean’ in-
11 cludes Puerto Rico and the United States Virgin Is-
12 lands.”; and

13 (3) by inserting after paragraph (3), as so re-
14 designated, the following:

15 “(4) FUND.—The term ‘Fund’ means the
16 Neotropical Migratory Bird Conservation Fund es-
17 tablished by section 9(a).”.

18 (d) AUTHORIZATION OF PROJECTS TO ENHANCE
19 CONSERVATION IN CANADA.—Section 5(c)(2) of such Act
20 (16 U.S.C. 6104(c)(2)) is amended by inserting “Can-
21 ada,” after “the United States,”.

22 (e) COST SHARING.—Section 5(e)(2)(B) of such Act
23 (16 U.S.C. 6104(e)(2)(B)) is amended to read as follows:

24 “(B) FORM OF PAYMENT.—

1 “(i) PROJECTS IN THE UNITED
2 STATES AND CANADA.—The non-Federal
3 share required to be paid for a project car-
4 ried out in the United States or Canada
5 shall be paid in cash.

6 “(ii) PROJECTS IN LATIN AMERICA
7 AND THE CARIBBEAN.—The non-Federal
8 share required to be paid for a project car-
9 ried out in Latin America or the Caribbean
10 may be paid in cash or in kind.”.

11 (f) ADVISORY GROUP.—

12 (1) COMPOSITION.—Section 7(b)(1) of such Act
13 (16 U.S.C. 6106(b)(1)) is amended by adding at the
14 end the following: “The advisory group as a whole
15 shall have expertise in the methods and procedures
16 set forth in section 4(2) in each country and region
17 of the Western Hemisphere”.

18 (2) ENCOURAGEMENT TO CONVENE.—The Sec-
19 retary of the Interior is encouraged to convene an
20 advisory group under section 7(b)(1) of such Act by
21 not later than 6 months after the effective date of
22 this Act. This paragraph shall not be considered to
23 authorize delay of the schedule previously estab-
24 lished by the United States Fish and Wildlife Serv-

1 ice for the submission, judging, and awarding of
2 grants.

3 (g) REPORT.—Section 8 of such Act (16 U.S.C.
4 6107) is amended by striking “October 1, 2002,” and in-
5 serting “2 years after the date of the enactment of the
6 Neotropical Migratory Bird Conservation Improvement
7 Act of 2006”.

8 (h) NEOTROPICAL MIGRATORY BIRD CONSERVATION
9 FUND.—

10 (1) IN GENERAL.—Section 9 of such Act (16
11 U.S.C. 6108) is amended by striking so much as
12 precedes subsection (c) and inserting the following:

13 **“SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION**
14 **FUND.**

15 “(a) ESTABLISHMENT.—There is established in the
16 Treasury a separate account, which shall be known as the
17 ‘Neotropical Migratory Bird Conservation Fund’. The
18 Fund shall consist of amounts deposited into the Fund
19 by the Secretary of the Treasury under subsection (b).

20 “(b) DEPOSITS INTO THE FUND.—The Secretary of
21 the Treasury shall deposit into the Fund—

22 “(1) all amounts received by the Secretary in
23 the form of donations under subsection (d); and

24 “(2) other amounts appropriated to the Fund.”.

1 (2) ADMINISTRATIVE EXPENSES.—Section
2 9(c)(2) of such Act (16 U.S.C. 6108(c)(2)) is
3 amended by striking “\$80,000” and inserting
4 “\$100,000”.

5 (3) CONFORMING AMENDMENTS.—Such Act is
6 amended further as follows:

7 (A) In section 4 (16 U.S.C. 6103), by
8 striking paragraph (1) and inserting the fol-
9 lowing:

10 “(1) FUND.—The term ‘Fund’ means the
11 Neotropical Migratory Bird Conservation Fund es-
12 tablished by section 9(a).”.

13 (B) In section 9(d) (16 U.S.C. 6108(d)),
14 by striking “Account” and inserting “Fund”.

15 (4) TRANSFER.—The Secretary of the Treasury
16 may transfer to the Neotropical Migratory Bird Con-
17 servation Fund amounts that were in the
18 Neotropical Migratory Bird Conservation Account
19 immediately before the enactment of this Act.

20 (i) AUTHORIZATION OF APPROPRIATIONS.—Section
21 10 of such Act (16 U.S.C. 6109) is amended to read as
22 follows:

23 (1) by inserting “(a) IN GENERAL.—” before
24 the first sentence;

1 (2) by striking “\$5,000,000 for each of fiscal
2 years 2001 through 2005” and inserting “for each
3 of fiscal years 2006 through 2010 the amount speci-
4 fied for that fiscal year in subsection (b)”; and

5 (3) by adding at the end the following:

6 “(b) AUTHORIZED AMOUNT.—The amount referred
7 to in subsection (a) is—

8 “(1) \$5,000,000 for each of fiscal years 2006
9 and 2007;

10 “(2) \$5,500,000 for fiscal year 2008;

11 “(3) \$6,000,000 for fiscal year 2009; and

12 “(4) \$6,500,000 for fiscal year 2010.

13 “(c) AVAILABILITY.—Amounts appropriated under
14 this section may remain available until expended.

15 “(d) ALLOCATION.—Of amounts appropriated under
16 this section for each fiscal year, not less than 75 percent
17 shall be expended for projects carried out outside the
18 United States.”.

19 **TITLE IV—ED FOUNTAIN PARK** 20 **EXPANSION ACT**

21 **SEC. 401. SHORT TITLE.**

22 This title may be cited as the “Ed Fountain Park
23 Expansion Act”.

24 **SEC. 402. DEFINITIONS.**

25 In this title:

1 (1) ADMINISTRATIVE SITE.—The term “admin-
2 istrative site” means the parcel of real property
3 identified as “Lands to be Conveyed to the City of
4 Las Vegas; approximately, 7.89 acres” on the map
5 entitled “Ed Fountain Park Expansion” and dated
6 November 1, 2005.

7 (2) CITY.—The term “City” means the city of
8 Las Vegas, Nevada.

9 (3) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior, acting through the Di-
11 rector of the United States Fish and Wildlife Serv-
12 ice.

13 **SEC. 403. CONVEYANCE OF UNITED STATES FISH AND**
14 **WILDLIFE SERVICE ADMINISTRATIVE SITE,**
15 **LAS VEGAS, NEVADA.**

16 (a) IN GENERAL.—The Secretary shall convey to the
17 City, without consideration, all right, title, and interest of
18 the United States in and to the administrative site for use
19 by the City—

20 (1) as a park; or

21 (2) for any other recreation or nonprofit-related
22 purpose.

23 (b) ADMINISTRATIVE EXPENSES.—As a condition of
24 the conveyance under subsection (a), the Secretary shall
25 require that the City pay the administrative costs of the

1 conveyance, including survey costs and any other costs as-
2 sociated with the conveyance.

3 (c) REVERSIONARY INTEREST.—

4 (1) IN GENERAL.—If the Secretary determines
5 that the City is not using the administrative site for
6 a purpose described in paragraph (1) or (2) of sub-
7 section (a), all right, title, and interest of the City
8 in and to the administrative site (including any im-
9 provements to the administrative site) shall revert,
10 at the option of the Secretary, to the United States.

11 (2) HEARING.—Any determination of the Sec-
12 retary with respect to a reversion under paragraph
13 (1) shall be made—

14 (A) on the record; and

15 (B) after an opportunity for a hearing.

16 **TITLE V—CAHABA RIVER NA-**
17 **TIONAL WILDLIFE REFUGE**
18 **EXPANSION**

19 **SEC. 501. SHORT TITLE.**

20 This title may be cited as the “Cahaba River National
21 Wildlife Refuge Expansion Act”.

22 **SEC. 502. DEFINITIONS.**

23 In this title:

24 (1) REFUGE.—The term “Refuge” means the
25 Cahaba River National Wildlife Refuge and the

1 lands and waters in such refuge in Bibb County,
2 Alabama, as established by the Cahaba River Na-
3 tional Wildlife Refuge Establishment Act (Public
4 Law 106–331).

5 (2) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

7 **SEC. 503. EXPANSION OF BOUNDARIES.**

8 (a) EXPANSION.—The boundaries of the Refuge are
9 expanded to include land and water in Bibb County, Ala-
10 bama, depicted as “Proposed National Wildlife Refuge Ex-
11 pansion Boundary” on the map entitled “Cahaba River
12 NWR Expansion” and dated March 14, 2006.

13 (b) AVAILABILITY OF MAP.—The Secretary shall
14 make the map referred to in subsection (a) available for
15 inspection in appropriate offices of the United States Fish
16 and Wildlife Service.

17 **SEC. 504. ACQUISITION OF LAND AND WATER IN EXPANDED**
18 **BOUNDARIES.**

19 (a) IN GENERAL.—Subject to subsection (b), the Sec-
20 retary may acquire by donation, purchase with donated
21 or appropriated funds, or exchange the land and water,
22 and interests in land and water (including conservation
23 easements), within the boundaries of the Refuge as ex-
24 panded by this title.

1 (b) MANNER OF ACQUISITION.—All acquisitions of
2 land or waters under this section shall be made in a vol-
3 untary manner and shall not be the result of forced
4 takings.

5 (c) INCLUSION IN REFUGE; ADMINISTRATION.—Any
6 land, water, or interest acquired by the Secretary under
7 this section—

8 (1) shall be part of the Refuge; and

9 (2) shall be administered by the Secretary in
10 accordance with—

11 (A) the National Wildlife Refuge System
12 Administration Act of 1966 (16 U.S.C. 668dd
13 et seq.);

14 (B) the Cahaba River National Wildlife
15 Refuge Establishment Act; and

16 (C) this Act.

17 **TITLE VI—CHERRY VALLEY**
18 **NATIONAL WILDLIFE REFUGE**

19 **SEC. 601. SHORT TITLE.**

20 This title may be cited as the “Cherry Valley Na-
21 tional Wildlife Refuge Study Act”.

22 **SEC. 602. FINDINGS.**

23 The Congress finds the following:

24 (1) The scenic Cherry Valley area of North-
25 eastern Pennsylvania is blessed with more than 80

1 special-concern animal and plant species and natural
2 habitats.

3 (2) In a preliminary assessment of Cherry Val-
4 ley, United States Fish and Wildlife Service biolo-
5 gists ranked Cherry Valley very high as a potential
6 national wildlife refuge.

7 (3) Six species that are listed as endangered
8 species or threatened species under the Endangered
9 Species Act of 1973 (16 U.S.C. 1531 et seq.) have
10 been documented within or near Cherry Valley: The
11 bog turtle (possibly the most significant population
12 of the listed subspecies), the dwarf wedge mussel,
13 the northeastern bulrush, the small whorled pogonia,
14 the bald eagle, and the Indiana bat (a historic resi-
15 dent, with efforts under way to re-establish favorable
16 conditions).

17 (4) Cherry Valley provides habitat for at least
18 79 species of national or regional concern, which ei-
19 ther nest in Cherry Valley or migrate through the
20 area during critical times in their life cycle, includ-
21 ing—

22 (A) neo-tropical migratory birds such as
23 the Cerulean Warbler, the Worm-eating War-
24 bler, and the Wood Thrush, all of which nest in
25 Cherry Valley;

1 (B) waterfowl such as the American Black
2 Duck;

3 (C) several globally rare plants, such as
4 the spreading globeflower; and

5 (D) anadromous fish species.

6 (5) The Cherry Valley watershed encompasses a
7 large segment of the Kittatinny Ridge, an important
8 migration route for birds of prey throughout the
9 Northeastern United States. Every migratory raptor
10 species in the Northeast is regularly observed along
11 the Kittatinny Ridge during the autumnal migra-
12 tion, including the bald eagle, the golden eagle, and
13 the broad-winged hawk.

14 (6) The Kittatinny Ridge also includes a long
15 segment of the Appalachian Trail, a nationally sig-
16 nificant natural-cultural-recreational feature.

17 (7) Many of the significant wildlife habitats
18 found in the Cherry Valley, especially the rare cal-
19 careous wetlands, have disappeared from other local-
20 ities in their range.

21 (8) Ongoing studies have documented the high
22 water quality of Cherry Creek.

23 (9) Public meetings over several years have
24 demonstrated strong, deep, and growing local sup-

1 port for a Cherry Valley National Wildlife Refuge,
2 as demonstrated by the following:

3 (A) Area landowners, business and commu-
4 nity leaders, media, and elected officials have
5 consistently voiced their enthusiasm for a Cher-
6 ry Valley National Wildlife Refuge.

7 (B) Numerous local communities and pub-
8 lic and private conservation entities share com-
9plementary goals for protecting Cherry Valley
10 and are energetically conserving wildlife habitat
11 and farmland. Along with State land-manage-
12ment agencies and the National Park Service,
13 these local entities represent potential strong
14 partners for the United States Fish and Wild-
15 life Service, and view a Cherry Valley National
16 Wildlife Refuge as a complement to existing
17 private, county, municipal, and State efforts.

18 (C) A number of local landowners have al-
19 ready put their land into conservation ease-
20 ments or other conservation arrangements.

21 (D) A voter-approved Monroe County Open
22 Space Fund and a voter-approved Stroud
23 Township municipal land conservation fund
24 have contributed to many of these projects.

1 (10) Two federally owned parcels of land are
2 contiguous to the area to be studied under this title
3 as for acquisition and inclusion in a future Cherry
4 Valley National Wildlife Refuge: The Delaware
5 Water Gap National Recreation Area and a 700-acre
6 segment of the Appalachian Trail owned by the Na-
7 tional Park Service.

8 **SEC. 603. STUDY OF REFUGE POTENTIAL AND FUTURE REF-**
9 **UGE LAND ACQUISITION.**

10 (a) **STUDY.**—The Secretary shall initiate within 30
11 days after the date of the enactment of this Act a study
12 to evaluate the fish and wildlife habitat and aquatic and
13 terrestrial communities located in Northeastern Pennsyl-
14 vania and identified on the map entitled, “Proposed Cher-
15 ry Valley National Wildlife Refuge—Authorization Bound-
16 ary”, dated February 24, 2005, for their potential acquisi-
17 tion by the United States Fish and Wildlife Service
18 through donation, exchange, or willing seller purchase and
19 subsequent inclusion in a future Cherry Valley National
20 Wildlife Refuge.

21 (b) **CONSULTATION.**—The Secretary, while con-
22 ducting the study required under this section, shall consult
23 appropriate State and local officials, private conservation
24 organizations, major landowners and other interested per-
25 sons, regarding the identification of eligible lands, waters,

1 and interests therein that are appropriate for acquisition
2 for a national wildlife refuge and the determination of
3 boundaries within which such acquisitions should be made.

4 (c) COMPONENTS OF STUDY.—As part of the study
5 under this section the Secretary shall do the following:

6 (1) Determine if the fish and wildlife habitat
7 and aquatic and terrestrial communities to be evalu-
8 ated are suitable for inclusion in the National Wild-
9 life Refuge System and management under the poli-
10 cies of the National Wildlife Refuge System Admin-
11 istration Act of 1966 (16 U.S.C. 668dd et seq.).

12 (2) Assess the conservation benefits to be
13 gained from the establishment of a Cherry Valley
14 National Wildlife Refuge including—

15 (A) preservation and maintenance of di-
16 verse populations of fish, wildlife, and plants,
17 including species listed as threatened species or
18 endangered species;

19 (B) protection and enhancement of aquatic
20 and wetland habitats;

21 (C) opportunities for compatible wildlife-
22 dependent recreation, scientific research, and
23 environmental education and interpretation;
24 and

1 (D) fulfillment of international obligations
2 of the United States with respect to fish, wild-
3 life, and their habitats.

4 (3) Provide an opportunity for public participa-
5 tion and give special consideration to views ex-
6 pressed by local public and private entities regarding
7 lands, waters, and interests therein for potential fu-
8 ture acquisition for refuge purposes.

9 (4) The total area of lands, water, and interests
10 therein that may be acquired shall not in the aggre-
11 gate exceed 30,000 acres.

12 (d) REPORT.—The Secretary shall, within 12 months
13 after date of the enactment of this Act, complete the study
14 required by this section and submit a report containing
15 the results thereof to the Committee on Resources of the
16 House of Representatives and the Committee on Environ-
17 ment and Public Works of the Senate. The report shall
18 include—

19 (1) a map that identifies and prioritizes specific
20 lands, waters, and interests therein for future acqui-
21 sition, and that delineates an acquisition boundary,
22 for a potential Cherry Valley National Wildlife Ref-
23 uge;

1 (2) a cost estimate for the acquisition of all
2 lands, waters, and interests therein that are appro-
3 priate for refuge status; and

4 (3) an estimate of potentially available acquisi-
5 tion and management funds from non-Federal
6 sources.

7 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to the Secretary \$200,000
9 to carry out the study.

10 **SEC. 604. DEFINITIONS.**

11 In this title the term “Secretary” means the Sec-
12 retary of the Interior acting through the Director of the
13 United States Fish and Wildlife Service.

14 **TITLE VII—GREAT APE**
15 **CONSERVATION**

16 **SEC. 701. GREAT APE CONSERVATION ASSISTANCE.**

17 Section 4 of the Great Ape Conservation Act of 2000
18 (16 U.S.C. 6303) is amended—

19 (1) in subsection (d)—

20 (A) in paragraph (4)(C), by striking “or”
21 after the semicolon at the end;

22 (B) in paragraph (5), by striking the pe-
23 riod at the end and inserting “; or”; and

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

1 “(6) address root causes of threats to great
2 apes in range states, including illegal bushmeat
3 trade, diseases, lack of regional or local capacity for
4 conservation, and habitat loss due to natural disas-
5 ters.”; and

6 (2) in subsection (i)—

7 (A) by striking “Every” and inserting the
8 following:

9 “(1) IN GENERAL.—Every”;

10 (B) in paragraph (1) (as designated by
11 subparagraph (A)), by striking “shall” and in-
12 serting “may”; and

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

14 “(2) APPLICABILITY OF FACa.—The Federal
15 Advisory Committee Act (5 App. U.S.C.) shall not
16 apply to a panel convened under paragraph (1).”.

17 **SEC. 702. GREAT APE CONSERVATION FUND.**

18 Section 5(b)(2) of the Great Ape Conservation Act
19 of 2000 (16 U.S.C. 6304(b)(2)) is amended—

20 (1) by striking “expand” and inserting “ex-
21 pend”; and

22 (2) by striking “\$80,000” and inserting
23 “\$100,000”.

1 **SEC. 703. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 6 of the Great Ape Conservation Act of 2000
3 (16 U.S.C. 6305) is amended by striking “fiscal years
4 2001 through 2005” and inserting “fiscal years 2006
5 through 2010”.

Passed the House of Representatives September 20,
2006.

Attest:

KAREN L. HAAS,

Clerk.

Calendar No. 629

109TH CONGRESS
2^D SESSION

H. R. 4957

AN ACT

To direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, and for other purposes.

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