

MARION NATIONAL FISH HATCHERY CONVEYANCE ACT

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JULY 24, 1996.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
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Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3557]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3557) to direct the Secretary of the Interior to convey the Marion National Fish Hatchery to the State of Alabama, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Marion National Fish Hatchery Conveyance Act”.

SEC. 2. CONVEYANCE OF MARION NATIONAL FISH HATCHERY TO THE STATE OF ALABAMA.

(a) CONVEYANCE REQUIREMENT.—Within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Alabama without reimbursement all right, title, and interest of the United States in and to the property described in subsection (b) for use by the Game and Fish Division of the Alabama Department of Conservation and Natural Resources as part of the State of Alabama fish culture program.

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

(1) that portion of the Marion National Fish Hatchery leased to the Alabama Game and Fish Division, located on State Highway 175 seven miles northeast of Marion, Alabama, as described in Amendment No. 2 to the Cooperative Agreement dated June 6, 1974, between the United States Fish and Wildlife Service and the State of Alabama, Department of Conservation and Natural Resources, Game and Fish Division, comprised of approximately 300 acres (more or less);

(2) all improvements and related personal property under the control of the Secretary that is located on that property, including buildings, structures, equipment, and all easements and leases relating to that property; and

(3) all water rights relating to that property.

(c) REVERSIONARY INTEREST.—If any of the property conveyed to the State of Alabama under this section is used for any purpose other than the use authorized under subsection (a), all right, title, and interest in and to all property conveyed under this section shall revert to the United States. The State of Alabama shall ensure that all property reverting to the United States under this subsection is in substantially the same or better condition as at the time of transfer to the State.

PURPOSE OF THE BILL

The purpose of H.R. 3557 is to direct the Secretary of the Interior to convey the Marion National Fish Hatchery to the State of Alabama.

BACKGROUND AND NEED FOR LEGISLATION

The Marion National Fish Hatchery (NFH) is located in Perry County, Alabama, about six miles northeast of the Town of Marion. In 1934, Congress officially established the site as a National Fish Hatchery. The original Hatchery property consisted of approximately 598.1 acres of land. For 40 years, the Marion NFH was operated by the Department of Commerce's Bureau of Fisheries as a fish production facility.

Since 1974, about 300 acres of the Marion NFH has been operated by the Alabama Game and Fish Division through a cooperative agreement with the U.S. Fish and Wildlife Service. This agreement terminates on September 30, 2033. The remaining 298 acres became the Federal Southeastern Fish Culture Laboratory. While this laboratory is not affected by H.R. 3557, the Congress has recently renamed this facility the Claude Harris National Aquaculture Research Center and has transferred the administrative authority from the Department of the Interior to the Department of Agriculture (Public Law 104-127).

In the current fiscal year, the Marion facility has produced 820,000 bluegill, 89,000 channel catfish, 800,000 hybrid striped bass fingerlings, 180,000 largemouth bass and 700,000 striped bass. These fish are stocked in the over 500,000 acres of public waters in the State of Alabama and they are available to over 530,000 licensed sport anglers. Furthermore, the Alabama Game and Fish Division is a partner in a cooperative agreement with the U.S. Fish and Wildlife Service and the State fisheries management agencies in Georgia and Florida to restore the region's native race of striped bass, known as the Gulf striped bass, to its former range. This year the Marion NFH has provided over 1,350,000 Gulf striped bass fry to three Federal and two neighboring State hatcheries for their culture programs, and it has provided over 270,000 Gulf striped bass fingerlings to support Federal and State programs in Florida.

In the last 22 years, the Alabama Game and Fish Division has undertaken a long-term program of capital improvements at the Marion NFH, many of which have been funded through the Federal Aid in Sport Fish Restoration Program (Dingell-Johnson/Wallop-Breaux). These improvements include the construction of 14 new fish culture ponds and the renovation of 38 others, a new striped bass hatchery laboratory, a new fish holding house, a new warehouse and equipment storage building, and two chemical and equipment storage buildings. In fact, the State has indicated that it has spent over \$2 million on facility improvements and renovations at the Marion NFH since it assumed operational control. In

total, the Hatchery property consists of 100 culture ponds with a total impounded surface acreage of over 66 acres, a number of laboratories, garages and residences, water supply wells and a water recovery system. In the most recent real estate assessment in 1994, the property was valued at \$465,000 and the structures have been assessed at \$1,062,000, according to the Realty Division of the U.S. Fish and Wildlife Service.

COMMITTEE ACTION

H.R. 3557 was introduced on May 30, 1996, by Congressman Earl Hilliard (D-AL). The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on Fisheries, Wildlife and Oceans.

On June 13, 1996, the Subcommittee held a hearing on H.R. 3557. Testifying in support of the bill were Congressman Earl Hilliard and Mr. William Knapp, Chief, Division of Fish Hatcheries, U.S. Fish and Wildlife Service. In his testimony, Mr. Knapp said that "the Service and * * * Alabama mutually agree that all parties will benefit from the conveyance of ownership of [the Marion NFH]."

On June 27, 1996, the Subcommittee on Fisheries, Wildlife and Oceans met to mark up H.R. 3557. At that time, Congressman Gerry Studds (D-MA) offered an amendment that stipulated that timber rights would not be conveyed to the State of Alabama and it clarified the reversionary language in section 2 of the bill. The amendment was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the Full Committee on Resources by voice vote.

On July 17, 1996, the Committee on Resources met to consider H.R. 3557. There were no amendments and the Committee ordered the bill reported to the House of Representatives by voice vote, in the presence of a quorum.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This bill may be cited as the "Marion National Fish Hatchery Conveyance Act".

Section 2. Conveyance of Marion National Fish Hatchery to the State of Alabama

Section 2(a) directs the Secretary of the Interior to convey to the State of Alabama, within 180 days and without reimbursement, all right, title, and interest of the United States in and to the Hatchery property for use by the Game and Fish Division of the Alabama Department of Conservation and Natural Resources.

Section 2(b) states that the fish hatchery is located on State Highway 175 seven miles northeast of Marion, Alabama, consisting of approximately 300 acres and includes buildings, structures, equipment, and all easements and leases relating to that property, and all water rights relating to that property.

Section 2(c) mandates that the property shall revert to the United States if the State of Alabama decides to no longer use the property for fishery resources management and fisheries-related activi-

ties and requires the State to ensure that the property is in substantially the same or better condition at the time of transfer.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(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 on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 3557 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) 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. 3557. 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(1)(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. 3557 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(1)(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. 3557.

3. With respect to the requirement of clause 2(1)(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. 3557 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 23, 1996.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3557, the Marion National Fish Hatchery Conveyance

Act, as ordered reported by the House Committee on Resources on July 17, 1996.

H.R. 3557 would direct the Secretary of the Interior to convey to the state of Alabama the Marion National Fish Hatchery, without reimbursement. Because this facility is already operated by the state, we expect that implementing H.R. 3557 would have no significant impact on the federal budget. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 3557 contains no intergovernmental or private-sector mandates as defined in Public Law 104-4 and would impose no costs on state, local, or tribal governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis (for federal costs) and Marjorie Miller (for the state and local impact).

Sincerely,

JUNE E. O'NEILL, *Director*.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 3557 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 3557 would make no changes in existing law.

