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REPORT
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TYLERSVILLE FISH HATCHERY CONVEYANCE ACT

JULY 28, 2006.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources, submitted the following

R E P O R T

[To accompany H.R. 4957]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4957) 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, 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 all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tylersville Fish Hatchery Conveyance Act".

SEC. 2. CONVEYANCE OF TYLERSVILLE NATIONAL FISH HATCHERY TO THE STATE OF PENNSYLVANIA.

(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 Pennsylvania without reimbursement all right, title, and interest of the United States in and to the property described in subsection (b) for use by the Pennsylvania Fish and Boat Commission as part of the State of Pennsylvania fish culture program.

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

(1) the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center comprised of approximately 40 acres leased to the State of Pennsylvania Fish and Boat Commission, located on 43 Hatchery Lane in Loganton, Pennsylvania, as described in the 1984 Cooperative Agreement between the United States Fish and Wildlife Service and the State of Pennsylvania;

(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 Pennsylvania under this section is used for any purpose other than the use author-

ized 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 Pennsylvania 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. 4957 is 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.

BACKGROUND AND NEED FOR LEGISLATION

The majority of federal fish hatchery facilities are managed by the U.S. Fish and Wildlife Service. From its historic level of 136 National Fish Hatcheries in 1940, the system is now comprised of 69 National Fish Hatcheries, seven Fish Technology Centers, nine Fish Health Centers and one historic fish hatchery. The role of the National Fish Hatchery System is broader than private, state and tribal hatcheries which primarily stock fish for commercial and recreational fishing. The average age of these facilities is 60 years and the growing deferred maintenance backlog is $245 million. The average cost to operate a federal Fish Hatchery is $528,000 each year. While funding for hatchery operations and maintenance has increased over $20 million in the last ten years, the number of federal employees working within the hatchery system has fallen from 522 to 457, or a 12.5 percent reduction in the workforce.

Under the terms of H.R. 4957, all right, title and interest in the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center would be conveyed, within 180 days after enactment, to the State of Pennsylvania without reimbursement. This property consists of 40 acres of land that has a hatchery house and administrative office complex, maintenance garage, pole building for vehicle storage and 5,000 feet of concrete linear raceways. The bill contains a reversionary clause that stipulates that the property will revert back to the federal government if the hatchery is used for purposes other than the State of Pennsylvania's fish culture program.

The Tylersville division was opened in Loganton, Pennsylvania, by the Fish and Wildlife Service in 1963. It stopped producing fish in 1977. In 1984, the Fish and Wildlife Service and the Pennsylvania Fish and Boat Commission signed a 25-year lease allowing the State to maintain and operate the facilities. Since that time, the State has propagated millions of adult brook, brown, golden rainbow and rainbow trout for the State's recreational fishing program. Tylersville produces some 560,000 adult trout each year, which represents 13 percent of the State's total trout stocking. The cost of producing these fish was approximately $900,000.

Despite the fact that the Pennsylvania Fish and Boat Commission does not hold title to the property, the State has spent nearly $2 million for infrastructure improvements. In addition, it is currently spending $1.7 million to upgrade the wastewater treatment facilities. However, with the expiration of the long-term lease and the need for additional improvements, the State has indicated its desire to obtain title to this land. There are currently 13 State employees at the fish hatchery and the annual economic impact to the State of Pennsylvania has been estimated at $63 million. This

hatchery is not considered a component of the active federal Fish Hatchery System.

COMMITTEE ACTION

H.R. 4957 was introduced on March 14, 2006, by Congressman John E. Peterson (R–PA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries and Oceans. On June 15, 2006, the Subcommittee held a hearing on the bill. On July 19, 2006, the Full Resources Committee met to consider the bill. The Subcommittee on Fisheries and Oceans was discharged from further consideration of the bill by unanimous consent. Chairman Richard Pombo offered an amendment in the nature of a substitute that clarified that the number of acres to be conveyed to the State of Pennsylvania was approximately 40 acres and not the 125 acres that had been incorrectly referenced in the introduced bill. The amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, clause 3 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) 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 this bill. However, clause 3(d)(3)(B) 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 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII 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 this bill from the Director of the Congressional Budget Office:

H.R. 4957—Tylersville Fish Hatchery Conveyance Act

H.R. 4957 would direct the Secretary of the Interior to convey without reimbursement the Tylersville National Fish Hatchery to the state of Pennsylvania. The transfer to the Pennsylvania Fish and Boat Commission would comprise all property interests, including about 40 acres of land, several buildings, and hatchery facilities.

Based on information provided by the U.S. Fish and Wildlife Service, CBO estimates that implementing H.R. 4957 would have no effect on the federal budget. The fish hatchery is already being operated by the state at its own expense; that would continue under the bill.

H.R. 4957 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. Enacting this legislation would benefit Pennsylvania.

The CBO staff contacts for this estimate are Leigh Angres and Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.