

CONVEYANCE OF THE FAIRPORT NATIONAL FISH
HATCHERY TO THE STATE OF IOWA

FEBRUARY 15, 1995.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 584]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 584) to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 584 is to direct the Secretary of the Interior to convey the Fairport National Fish Hatchery to the State of Iowa.

BACKGROUND AND NEED FOR LEGISLATION

As introduced, H.R. 584 directs the Secretary of the Interior to convey to the State of Iowa, without reimbursement and within 180 days after enactment, all right, title, and interest of the United States in the Federal fish hatchery in Fairport, Iowa.

The Fairport Fish Hatchery is located along the Mississippi River about eight miles east of Muscatine, Iowa. The Federal Government obtained the site as a donation from the Association of Button Manufacturers. In 1908, Congress established the site as a

biological station of foster research and assist in the propagation of freshwater mussels.

In 1929, the focus of the facility changed, and it became a fish hatchery producing fish for private farm ponds and State stocking programs. The Federal Bureau of Sport Fisheries and Wildlife continued to operate and maintain the Fairport Fish Hatchery until 1973. At that time, the Bureau's budget was severely reduced and the Federal farm pond stocking program was eliminated. Instead of closing the facility, the State of Iowa Department of Natural Resources was given the opportunity to assume responsibility for operation of the hatchery to ensure that its State stocking programs could continue in the future.

The State has continued as manager of the facility for the past twenty-two years, and Fairport has become an important part of Iowa's fish hatchery system. It is one of the warmwater fish hatcheries within the States hatcheries program. It fills the need for several fish, including largemouth bass, bluegill, white amur, and channel catfish. These fish are utilized throughout Iowa as a part of the State's program.

At this time, the State would like to upgrade the facility by constructing a new holding house and renovating its holding ponds to include liner, fish harvest basins and water control structures. While the Fairport Fish Hatchery has not been improved in decades, the State is unable to justify the expense of these improvements without having legal title to the property.

H.R. 584 would transfer ownership of the hatchery and the immediate property and buildings to the State of Iowa. Ownership would revert to the United States should the State decide in the future that it is no longer interested in operating the facility as part of its fishery resources management program.

The bill is supported by both the State of Iowa and the United States Fish and Wildlife Service (USFWS).

COMMITTEE ACTION

H.R. 584 was introduced by Congressman James A. Leach on January 19, 1995, and referred to the Committee on Resources. Within the Committee, the bill was referred to the Subcommittee on Fisheries, Wildlife and Oceans.

On January 25, 1995, the Subcommittee on Fisheries, Wildlife and Oceans held an oversight hearing on H.R. 584. Mr. Gary Edwards, Assistant Director for Fisheries, USFWS, testified for the Administration.

In his testimony, Mr. Edwards noted that the Administration agreed with the intent of the legislation and that "the U.S. Fish and Wildlife Service has generally supported the transfer of Service fishery facilities to the States when those facilities no longer support Federal fishery programs."

Furthermore, a letter submitted for the record by Mr. Sam Marler, a Regional Director of USFWS, stated that "the Service has no present, or foreseeable need for a hatchery at this site [Fairport] and recognizes the importance of the facility to the fishery resources program of the State of Iowa."

On February 1, 1995, the Subcommittee on Fisheries, Wildlife and Oceans met to consider H.R. 584. At that time, Mr. Miller of

California offered an amendment requiring the State of Iowa to pay the Federal Government the fair market value of the property at the time ownership is transferred. The amendment was rejected by voice vote. The bill was then approved by voice vote in the presence of a quorum and ordered reported to the Full Committee.

On February 8, 1995, the Full Committee met to consider H.R. 584. At that time, Mr. Miller of California offered an amendment to require that the State of Iowa pay the fair market value for receiving the fish hatchery and to eliminate the reversionary requirement. The amendment was defeated on a roll call vote of 10 yeas and 22 nays as follows:

RECORDED VOTE

[Bill Number H.R. 584; Amendment Number 1; Offered by Mr. Miller]

Members	Roll Call Vote		
	Yea	Nay	Present
Mr. Young, Chairman		X	
Mr. Hansen		X	
Mr. Saxton		X	
Mr. Gallegly			
Mr. Duncan		X	
Mr. Hefley		X	
Mr. Doolittle		X	
Mr. Allard		X	
Mr. Gilchrest		X	
Mr. Calvert			
Mr. Pombo		X	
Mr. Torkildsen		X	
Mr. Hayworth			
Mr. Cremeans		X	
Mrs. Cubin			
Mr. Cooley			
Mrs. Chenoweth		X	
Mrs. Smith		X	
Mr. Radanovich		X	
Mr. Jones		X	
Mr. Thornberry			
Mr. Hastings		X	
Mr. Metcalf		X	
Mr. Longley		X	
Mr. Shadegg			
Mr. Miller	X		
Mr. Rahall			
Mr. Vento	X		
Mr. Kildee	X		
Mr. Williams			
Mr. Gejdenson	X		
Mr. Richardson	X		
Mr. DeFazio	X		
Mr. Faleomavaega			
Mr. Johnson	X		
Mr. Abercrombie	X		
Mr. Studds		X	
Mr. Tauzin		X	
Mr. Ortiz			
Mr. Dooley	X		
Mr. Romero-Barcelo			
Mr. Deal		X	
Mr. Hinchey	X		
Mr. Underwood			
Mr. Farr		X	
Total	10	22	

H.R. 584 was then ordered reported by voice vote in the presence of a quorum to the House of Representatives.

SECTION-BY-SECTION ANALYSIS

Section 1(a) directs the Secretary of the Interior to convey to the State of Iowa, without reimbursement, all right, title, and interest of the United States in and to the property known as the Fairport National Fish Hatchery for the purpose of fishery resource management.

Section 1(b) states that the fish hatchery is located in Muscatine County, Iowa, and includes all real property, improvements to real property, and personal property.

Section 1(c) mandates that all property and interest conveyed shall revert to the United States if the State of Iowa decides to no longer use the property for its fishery resource management program.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(l)(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's oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 584 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7 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. 584. 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 requirements of clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Subcommittee on Fisheries, Wildlife and Oceans held a hearing on January 25, 1995, to transfer the Fairport National Fish Hatchery to the State of Iowa, and the oversight findings and recommendations of the Committee are reflected in this report.

2. With respect to the requirement of clause 2(l)(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. 584.

3. With respect to the requirement of clause 2(l)(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. 584 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 10, 1995.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 584, a bill to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa, as ordered reported by the House Committee on Resources on February 8, 1995.

H.R. 584 would direct the Secretary of the Interior to convey the Fairport National Fish Hatchery, without reimbursement, to the state of Iowa. Because the state is already responsible for operating the Fairport facility, we expect that implementing this bill would have no impact on the federal budget or on the budgets of state or local governments. Moreover, the bill would have no effect on direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER, *Director.*

CHANGES IN EXISTING LAW

If enacted, H.R. 584 would make no changes in existing law.

DEPARTMENTAL REPORTS

The Committee has received no departmental reports on H.R. 584.

DISSENTING VIEWS

DISSENTING VIEWS OF MR. GEORGE MILLER

I oppose enactment of H.R. 584 as reported by the Committee. To paraphrase the late Senator Everett Dirksen, a million here and a million there and pretty soon we're talking about real money and a real federal budget deficit.

This legislation would transfer to the State of Iowa—without any compensation to the federal taxpayers for their investment—title to a federally constructed fish hatchery and 60 acres of land located on the Mississippi River. The Committee approved this bill by voice vote, yet not a single Member even knows the current fair market value of the federal property being given away for free. In response to my inquiries, the Fish and Wildlife Service stated that the property was last appraised in 1983 at \$717,000 but admitted there is no updated appraisal.

I do not object to the basic intent of conveying the Fairport hatchery property to the State of Iowa. There is no continuing federal interest in management of this fish hatchery. Moreover, state ownership and operation of this facility makes sense, given that the hatchery is used solely to produce fish for state recreation and other programs.

I do object, however, to the give-away of at least \$717,000 worth of federal assets to the State of Iowa, without reimbursement to the federal taxpayers and without the Congress even knowing what the property is worth. This is essentially a case where the federal landlord is giving away property to the state tenant without recovering any of the original capital investment, never mind making a profit. Any private business which managed its property in such a care-free manner would go broke in a hurry.

During markup, proponents of H.R. 584 stated that Iowa was paying the current costs of operating the hatchery, displacing federal expenditures. Yet if Iowa has not assumed the cost of operations—to provide a basic service for state residents—the facility could have been closed and auctioned by GSA as surplus federal property. Given the prime location on the main channel of the Mississippi River, the commercial potential of the property could have resulted in significant revenue and, in any event, greater return for the federal taxpayers than the big zero provided for by H.R. 584.

I could support this legislation if the Committee had not rejected my amendment to require: (1) an updated appraisal of the property; and (2) payment of fair market value by the State of Iowa to reimburse the U.S. for the federal investment. When combined with Committee approval of H.R. 535 (to transfer 137 acres plus the Corning fish hatchery facilities to the State of Arkansas) and H.R. 614 (to transfer the New London fish hatchery plus 132 acres of land to the State of Minnesota), along with a dozen or so more free fish hatchery transfers to states in the works at the Fish and

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Wildlife Service, it is the federal taxpayer who is getting soaked along with the fish.

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