

105TH CONGRESS
1ST SESSION

H. R. 2376

To reauthorize and amend the National Fish and Wildlife Foundation
Establishment Act.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 1997

Mr. SAXTON (for himself and Mr. ABERCROMBIE) introduced the following
bill; which was referred to the Committee on Resources

A BILL

To reauthorize and amend the National Fish and Wildlife
Foundation Establishment Act.

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

3 **SECTION 1. SHORT TITLE; AMENDMENT REFERENCES.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Fish and Wildlife Foundation Establishment
6 Act Amendments of 1997”.

7 (b) AMENDMENT OF NATIONAL FISH AND WILDLIFE
8 FOUNDATION ESTABLISHMENT ACT.—Except as other-
9 wise expressly provided, whenever in this Act an amend-
10 ment or repeal is expressed in terms of an amendment

1 to, or repeal of, a section or other provision, the reference
2 shall be considered to be made to a section or other provi-
3 sion of the National Fish and Wildlife Foundation Estab-
4 lishment Act (16 U.S.C. 3701 et seq.).

5 **SEC. 2. MEMBERSHIP OF BOARD OF DIRECTORS OF THE**
6 **FOUNDATION.**

7 (a) AMENDMENTS.—Section 3 (16 U.S.C. 3702) is
8 amended—

9 (1) in subsection (a)—

10 (A) in the matter preceding paragraph (1),
11 by striking “(15)” and inserting “22”;

12 (B) in paragraph (1), by striking “six”
13 and inserting “four”, and by striking “and”
14 after the semicolon at the end;

15 (C) in paragraph (2) by striking the period
16 at the end and inserting “; and”;

17 (D) by inserting after paragraph (2) the
18 following:

19 “(3) four of whom must be knowledgeable and
20 experienced in ocean and coastal resource conserva-
21 tion.”; and

22 (E) in the material following paragraph (3)
23 (as so added), by striking “shall be” inserting
24 “and the Administrator of the National Marine

1 Fisheries Service in the Department of Com-
2 merce shall each be”; and

3 (2) by amending subsection (b) to read as fol-
4 lows:

5 “(b) APPOINTMENT AND TERMS.—

6 “(1) IN GENERAL.—The Secretary of the Inte-
7 rior (in this Act referred to as the “Secretary”) shall
8 appoint the Directors of the Board, after considering
9 recommendations from the Board under paragraph
10 (4). The Secretary of the Interior shall consult with
11 the Under Secretary of Commerce for Oceans and
12 Atmosphere before appointing any Director of the
13 Board.

14 “(2) TERMS.—The Directors shall be appointed
15 for terms of 6 years; except that the Secretary, in
16 making the initial appointments to the Board, shall
17 appoint 3 Directors to a term of 2 years, 2 Directors
18 to a term of 4 years, and 2 Directors to a term of
19 6 years. No individual may serve more than 2 con-
20 secutive full terms as a Director.

21 “(3) VACANCIES.—A vacancy on the Board
22 shall be filled within 60 days after the occurrence of
23 the vacancy. Any individual appointed to fill a va-
24 cancy occurring prior to the expiration of any term

1 of office shall be appointed for the remainder of that
2 term.

3 “(4) NOMINATION OF APPOINTEES.—The
4 Board may recommend to the Secretary individuals
5 to be appointed as Directors of the Board.

6 (b) APPLICATION.—The amendments made by sub-
7 section (a) shall apply to any appointment of a Director
8 of the Board of the National Fish and Wildlife Foundation
9 on or after the date of the enactment of this Act.

10 (c) APPOINTMENT OF ADDITIONAL MEMBERS.—

11 (1) NOMINATIONS.—The Board of Directors on
12 the National Fish and Wildlife Foundation shall
13 submit any recommendations of individuals for ap-
14 pointment to positions on the Board created by the
15 amendment made by subsection (a)(1) by not later
16 than 60 days after the date of the enactment of this
17 Act.

18 (2) STAGGERED TERMS.—Of the Directors on
19 the Board of Directors of the National Fish and
20 Wildlife Foundation first appointed pursuant to the
21 amendment made by subsection (a)(1)—

22 (A) 3 shall be appointed to a term that ex-
23 pires December 31, 1999;

24 (B) 2 shall be appointed to a term that ex-
25 pires December 31, 2001; and

1 (C) 2 shall be appointed to a term that ex-
2 pires December 31, 2003,
3 as specified by the Secretary of the Interior at the
4 time of appointment.

5 **SEC. 3. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.**

6 (a) INVESTMENT AND DEPOSIT OF FEDERAL
7 FUNDS.—Section 4(c) (16 U.S.C. 3703(c)) is amended—

8 (1) by redesignating paragraphs (3) through
9 (7) in order as paragraphs (8) through (12); and

10 (2) by inserting after paragraph (2) the follow-
11 ing:

12 “(3) to invest any funds provided to the Foun-
13 dation by the Federal Government in obligations of
14 the United States or in obligations or securities that
15 are guaranteed or insured by the United States;

16 “(4) to deposit any funds provided to the Foun-
17 dation by the Federal Government into accounts
18 that are insured by an agency or instrumentality of
19 the United States;

20 “(5) to make use of any interest or investment
21 income that accrues as a consequence of actions
22 taken under paragraph (3) or (4) to carry out the
23 purposes of the Foundation;

24 “(6) to provide Federal funds for the purpose
25 of entering into cooperative agreements with willing

1 private landowners for restoration and enhancement
2 of fish, wildlife, and other natural resources on pub-
3 lic or private land, or both, if such cooperative
4 agreements—

5 “(A) provide general conservation benefits;

6 or

7 “(B) benefit fish, wildlife, or other natural
8 resources on public land;

9 “(7) to accept and manage funds provided by
10 any Federal agency under any other law when it is
11 in the public interest;”.

12 (b) AGENCY APPROVAL OF ACQUISITIONS OF PROP-
13 ERTY.—Section 4(e) (16 U.S.C. 3703(e)) is amended—

14 (1) by amending paragraph (1)(B) to read as
15 follows:

16 “(B) the Foundation notifies the Federal agen-
17 cy that administers the program under which the
18 funds were provided of the proposed acquisition, and
19 the agency fails to object in writing to the proposed
20 acquisition within 60 days after the date of that no-
21 tification.”; and

22 (2) in paragraph (2), by striking “the Director”
23 and inserting “the head of the Federal agency that
24 administers the program under which the funds were
25 provided”.

1 (c) REPEAL.—Section 304 of Public Law 102–440
2 (16 U.S.C. 3703 note) is repealed.

3 (d) AGENCY APPROVAL OF CONVEYANCES AND
4 GRANTS.—Section 4(e)(3)(B)(ii) (16 U.S.C.
5 3703(e)(3)(B)(ii)) is amended to read as follows:

6 “(ii) the Foundation notifies the Federal agency
7 that administers the Federal program under which
8 the funds were provided of the proposed conveyance
9 or provision of Federal funds, and the head of the
10 agency fails to object in writing to such proposed
11 conveyance or provision of Federal funds within 60
12 days after the date of that notification.”

13 (e) RECONVEYANCE OF REAL PROPERTY.—Section
14 4(e)(5) (16 U.S.C. 3703(e)(5)) is amended to read as fol-
15 lows:

16 “(5) The Foundation shall convey at not less than
17 fair market value any real property acquired by it in whole
18 or in part with Federal funds if the Foundation notifies
19 the Federal agency that administers the Federal program
20 under which the funds were provided, and the agency fails
21 to disagree within 60 days after the date of that notifica-
22 tion, that—

23 “(A) the property is no longer valuable for the
24 purposes of fish and wildlife conservation or man-
25 agement; and

1 “(B) the purposes of the Foundation would be
2 better served by the use of the proceeds of the con-
3 veyance for authorized activities of the Founda-
4 tion.”.

5 (f) **TERMINATION OF CONDEMNATION LIMITATION;**
6 **EXPENDITURES FOR PRINTING OR CAPITAL EQUIP-**
7 **MENT.**—Section 4(d) (16 U.S.C. 3703(d)) is amended to
8 read as follows:

9 “(d) **EXPENDITURES FOR PRINTING OR CAPITAL**
10 **EQUIPMENT.**—The Foundation may not make an expendi-
11 ture of Federal funds for printing or capital equipment
12 that is greater than \$10,000 unless the expenditure is ap-
13 proved by the Federal agency that administers the Federal
14 program under which the funds were provided.”.

15 **SEC. 4. MATCHING REQUIREMENT.**

16 Section 10(b)(1) (16 U.S.C. 3709(b)(1)) is amended
17 by striking “matching, in whole or in part,” and inserting
18 “matching, on a one-to-one basis,”.

19 **SEC. 5. RESTRICTIONS ON USE OF FEDERAL FUNDS.**

20 Section 10(b) (16 U.S.C. 3709(b)) is amended by
21 adding at the end the following:

22 “(3) No Federal funds authorized under this section
23 and provided as a grant under this Act shall be used by
24 the grantee for expenses related to litigation.

1 “(4)(A) No Federal funds authorized under this sec-
2 tion and provided as a grant under this Act shall be used
3 by the grantee for any activity the purpose of which is
4 to influence legislation pending before the Congress.

5 “(B) This paragraph shall not be considered to pro-
6 hibit officers or employees of the Foundation from com-
7 municating to Members or staff of Congress requests for
8 legislation that they consider necessary for the efficient
9 conduct of the business of the Foundation or that relates
10 to the authority of the Foundation, appropriations for use
11 by the Foundation, or use of Federal funds by the Foun-
12 dation.”.

13 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—Section 10(a) (16 U.S.C.
15 3709(a)) is amended to read as follows:

16 “(a) AUTHORIZATION.—There are authorized to be
17 appropriated to the Secretary of the Interior and the Sec-
18 retary of Commerce, in the aggregate, \$25,000,000 for
19 each of fiscal years 1999, 2000, and 2001.”.

20 (b) REPEAL.—Section 10(c) (16 U.S.C. 3709(c)) is
21 repealed.

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