

Calendar No. 440106TH CONGRESS
2^D SESSION**S. 1653****[Report No. 106-230]**

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 1999

Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. LOTT, Mr. DASCHLE, Mr. WARNER, Mr. BREAUX, Mr. CRAPO, Mr. LIEBERMAN, Mr. DOMENICI, Mr. MOYNIHAN, Ms. COLLINS, Mr. REID, Mr. LAUTENBERG, Ms. SNOWE, Mr. L. CHAFEE, Mr. SMITH of New Hampshire and Mr. SARBANES) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

MARCH 6, 2000

Reported by Mr. SMITH of New Hampshire, without amendment

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Fish and
3 Wildlife Foundation Establishment Act Amendments of
4 1999”.

5 **SEC. 2. PURPOSES.**

6 Section 2(b) of the National Fish and Wildlife Foun-
7 dation Establishment Act (16 U.S.C. 3701(b)) is amended
8 by striking paragraph (1) and inserting the following:

9 “(1) to encourage, accept, and administer pri-
10 vate gifts of property for the benefit of, or in con-
11 nection with, the activities and services of the De-
12 partment of the Interior and the Department of
13 Commerce to further the conservation and manage-
14 ment of fish, wildlife, plants, and other natural re-
15 sources;”.

16 **SEC. 3. BOARD OF DIRECTORS OF THE FOUNDATION.**

17 (a) ESTABLISHMENT AND MEMBERSHIP.—Section 3
18 of the National Fish and Wildlife Foundation Establish-
19 ment Act (16 U.S.C. 3702) is amended by striking sub-
20 section (a) and inserting the following:

21 “(a) ESTABLISHMENT AND MEMBERSHIP.—

22 “(1) IN GENERAL.—The Foundation shall have
23 a governing Board of Directors (referred to in this
24 Act as the ‘Board’), which shall consist of 25 Direc-
25 tors appointed in accordance with subsection (b),
26 each of whom shall be a United States citizen.

1 “(2) REPRESENTATION OF DIVERSE POINTS OF
2 VIEW.—To the maximum extent practicable, the
3 membership of the Board shall represent diverse
4 points of view relating to conservation and manage-
5 ment of fish, wildlife, plants, and other natural re-
6 sources.

7 “(3) NOT FEDERAL EMPLOYEES.—Appointment
8 as a Director of the Foundation shall not constitute
9 employment by, or the holding of an office of, the
10 United States for the purpose of any Federal law.”.

11 (b) APPOINTMENT AND TERMS.—Section 3 of the
12 National Fish and Wildlife Foundation Establishment Act
13 (16 U.S.C. 3702) is amended by striking subsection (b)
14 and inserting the following:

15 “(b) APPOINTMENT AND TERMS.—

16 “(1) AGENCY HEADS.—The Director of the
17 United States Fish and Wildlife Service and the
18 Under Secretary of Commerce for Oceans and At-
19 mosphere shall be Directors of the Foundation.

20 “(2) APPOINTMENTS BY THE SECRETARY OF
21 THE INTERIOR.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (B), after consulting with the Secretary
24 of Commerce and considering the recommenda-
25 tions submitted by the Board, the Secretary of

1 the Interior shall appoint 23 Directors who
2 meet the criteria established by subsection (a),
3 of whom—

4 “(i) at least 6 shall be educated or ex-
5 perience in fish, wildlife, or other natural
6 resource conservation;

7 “(ii) at least 4 shall be educated or
8 experienced in the principles of fish, wild-
9 life, or other natural resource manage-
10 ment; and

11 “(iii) at least 4 shall be educated or
12 experienced in ocean and coastal resource
13 conservation.

14 “(B) TRANSITION PROVISION.—

15 “(i) CONTINUATION OF TERMS.—The
16 15 Directors serving on the Board as of
17 the date of enactment of this paragraph
18 shall continue to serve until the expiration
19 of their terms.

20 “(ii) NEW DIRECTORS.—The Sec-
21 retary of the Interior shall appoint 8 new
22 Directors. To the maximum extent prac-
23 ticable, those appointments shall be made
24 not later than 45 calendar days after the
25 date of enactment of this paragraph.

1 “(3) TERMS.—

2 “(A) IN GENERAL.—Subject to subpara-
3 graph (B), each Director (other than a Director
4 described in paragraph (1)) shall be appointed
5 for a term of 6 years.

6 “(B) INITIAL APPOINTMENTS TO NEW
7 MEMBER POSITIONS.—Of the Directors ap-
8 pointed by the Secretary of the Interior under
9 paragraph (2)(B)(ii), the Secretary shall
10 appoint—

11 “(i) 2 Directors for a term of 2 years;

12 “(ii) 3 Directors for a term of 4
13 years; and

14 “(iii) 3 Directors for a term of 6
15 years.

16 “(4) VACANCIES.—

17 “(A) IN GENERAL.—The Secretary of the
18 Interior shall fill a vacancy on the Board. To
19 the maximum extent practicable, a vacancy
20 shall be filled not later than 45 calendar days
21 after the occurrence of the vacancy.

22 “(B) TERM OF APPOINTMENTS TO FILL
23 UNEXPIRED TERMS.—An individual appointed
24 to fill a vacancy that occurs before the expira-

1 tion of the term of a Director shall be ap-
2 pointed for the remainder of the term.

3 “(5) REAPPOINTMENT.—An individual (other
4 than an individual described in paragraph (1)) shall
5 not serve more than 2 consecutive terms as a Direc-
6 tor, excluding any term of less than 6 years.

7 “(6) REQUEST FOR REMOVAL.—The Executive
8 Committee of the Board may submit to the Sec-
9 retary a letter describing the nonperformance of a
10 Director and requesting the removal of the Director
11 from the Board.

12 “(7) CONSULTATION BEFORE REMOVAL.—Be-
13 fore removing any Director from the Board, the Sec-
14 retary shall consult with the Secretary of Com-
15 merce.”.

16 (c) TECHNICAL AMENDMENTS.—

17 (1) Section 4(c)(5) of the National Fish and
18 Wildlife Foundation Establishment Act (16 U.S.C.
19 3703(c)(5)) is amended by striking “Directors of the
20 Board” and inserting “Directors of the Founda-
21 tion”.

22 (2) Section 6 of the National Fish and Wildlife
23 Foundation Establishment Act (16 U.S.C. 3705) is
24 amended—

1 (A) by striking “Secretary” and inserting
2 “Secretary of the Interior or the Secretary of
3 Commerce”; and

4 (B) by inserting “or the Department of
5 Commerce” after “Department of the Interior”.

6 **SEC. 4. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.**

7 (a) PRINCIPAL OFFICE OF THE FOUNDATION.—Sec-
8 tion 4(a)(3) of the National Fish and Wildlife Foundation
9 Establishment Act (16 U.S.C. 3703(a)(3)) is amended by
10 inserting after “the District of Columbia” the following:
11 “or in a county in the State of Maryland or Virginia that
12 borders on the District of Columbia”.

13 (b) INVESTMENT AND DEPOSIT OF FEDERAL
14 FUNDS.—Section 4(c) of the National Fish and Wildlife
15 Foundation Establishment Act (16 U.S.C. 3703(c)) is
16 amended—

17 (1) by redesignating paragraphs (3) through
18 (7) as paragraphs (7) through (11), respectively;
19 and

20 (2) by inserting after paragraph (2) the fol-
21 lowing:

22 “(3) to invest any funds provided to the Foun-
23 dation by the Federal Government in obligations of
24 the United States or in obligations or securities that
25 are guaranteed or insured by the United States;

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

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

9 “(6) to use Federal funds to make payments
10 under cooperative agreements entered into with will-
11 ing private landowners to provide substantial long-
12 term benefits for the restoration or enhancement of
13 fish, wildlife, plants, and other natural resources on
14 private land;”.

15 (c) AGENCY APPROVAL OF ACQUISITIONS OF PROP-
16 ERTY.—Section 4(e)(1) of the National Fish and Wildlife
17 Foundation Establishment Act (16 U.S.C. 3703(e)(1)) is
18 amended by striking subparagraph (B) and inserting the
19 following:

20 “(B) the Foundation notifies the Federal agen-
21 cy that administers the program under which the
22 funds were provided of the proposed acquisition, and
23 the agency does not object in writing to the proposed
24 acquisition within 60 calendar days after the date of
25 the notification.”.

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

3 (e) AGENCY APPROVAL OF CONVEYANCES AND
4 GRANTS.—Section 4(e)(3)(B) of the National Fish and
5 Wildlife Foundation Establishment Act (16 U.S.C.
6 3703(e)(3)(B)) is amended by striking clause (ii) and in-
7 serting the following:

8 “(ii) the Foundation notifies the Federal agency
9 that administers the Federal program under which
10 the funds were provided of the proposed conveyance
11 or provision of Federal funds, and the agency does
12 not object in writing to the proposed conveyance or
13 provision of Federal funds within 60 calendar days
14 after the date of the notification.”.

15 (f) RECONVEYANCE OF REAL PROPERTY.—Section
16 4(e) of the National Fish and Wildlife Foundation Estab-
17 lishment Act (16 U.S.C. 3703(e)) is amended by striking
18 paragraph (5) and inserting the following:

19 “(5) RECONVEYANCE OF REAL PROPERTY.—
20 The Foundation shall convey at not less than fair
21 market value any real property acquired by the
22 Foundation in whole or in part with Federal funds
23 if the Foundation notifies the Federal agency that
24 administers the Federal program under which the
25 funds were provided, and the agency does not dis-

1 agree within 60 calendar days after the date of the
2 notification, that—

3 “(A) the property is no longer valuable for
4 the purpose of conservation or management of
5 fish, wildlife, plants, and other natural re-
6 sources; and

7 “(B) the purposes of the Foundation would
8 be better served by use of the proceeds of the
9 conveyance for other authorized activities of the
10 Foundation.”.

11 (g) EXPENDITURES FOR PRINTING SERVICES OR
12 CAPITAL EQUIPMENT.—Section 4 of the National Fish
13 and Wildlife Foundation Establishment Act (16 U.S.C.
14 3703) is amended by adding at the end the following:

15 “(h) EXPENDITURES FOR PRINTING SERVICES OR
16 CAPITAL EQUIPMENT.—The Foundation shall not make
17 any expenditure of Federal funds in connection with any
18 1 transaction for printing services or capital equipment
19 that is greater than \$10,000 unless the expenditure is ap-
20 proved by the Federal agency that administers the Federal
21 program under which the funds were provided.”.

22 **SEC. 5. FUNDING.**

23 Section 10 of the National Fish and Wildlife Founda-
24 tion Establishment Act (16 U.S.C. 3709) is amended to
25 read as follows:

1 **“SEC. 10. FUNDING.**

2 “(a) AUTHORIZATION OF APPROPRIATIONS.—

3 “(1) IN GENERAL.—There are authorized to be
4 appropriated to carry out this Act for each of fiscal
5 years 2000 through 2004—

6 “(A) \$30,000,000 to the Department of
7 the Interior; and

8 “(B) \$10,000,000 to the Department of
9 Commerce.

10 “(2) REQUIREMENT OF ADVANCE PAYMENT.—

11 The amount made available for a fiscal year under
12 paragraph (1) shall be provided to the Foundation
13 in an advance payment of the entire amount on Oc-
14 tober 1, or as soon as practicable thereafter, of the
15 fiscal year.

16 “(3) USE OF APPROPRIATED FUNDS.—Subject
17 to paragraph (4), amounts made available under
18 paragraph (1) shall be provided to the Foundation
19 for use for matching, on a 1-to-1 basis, contributions
20 (whether in currency, services, or property) made to
21 the Foundation by private persons and State and
22 local government agencies.

23 “(4) PROHIBITION ON USE FOR ADMINISTRA-
24 TIVE EXPENSES.—No Federal funds made available
25 under paragraph (1) shall be used by the Founda-
26 tion for administrative expenses of the Foundation,

1 including for salaries, travel and transportation ex-
2 penses, and other overhead expenses.

3 “(b) ADDITIONAL AUTHORIZATION.—

4 “(1) IN GENERAL.—In addition to the amounts
5 authorized to be appropriated under subsection (a),
6 the Foundation may accept Federal funds from a
7 Federal agency under any other Federal law for use
8 by the Foundation to further the conservation and
9 management of fish, wildlife, plants, and other nat-
10 ural resources in accordance with the requirements
11 of this Act.

12 “(2) USE OF FUNDS ACCEPTED FROM FEDERAL
13 AGENCIES.—Federal funds provided to the Founda-
14 tion under paragraph (1) shall be used by the Foun-
15 dation for matching, in whole or in part, contribu-
16 tions (whether in currency, services, or property)
17 made to the Foundation by private persons and
18 State and local government agencies.

19 “(c) PROHIBITION ON USE OF GRANT AMOUNTS FOR
20 LITIGATION AND LOBBYING EXPENSES.—Amounts pro-
21 vided as a grant by the Foundation shall not be used for—

22 “(1) any expense related to litigation; or

23 “(2) any activity the purpose of which is to in-
24 fluence legislation pending before Congress.”.

1 **SEC. 6. LIMITATION ON AUTHORITY.**

2 The National Fish and Wildlife Foundation Estab-
3 lishment Act (16 U.S.C. 3701 et seq.) is amended by add-
4 ing at the end the following:

5 **“SEC. 11. LIMITATION ON AUTHORITY.**

6 “Nothing in this Act authorizes the Foundation to
7 perform any function the authority for which is provided
8 to the National Park Foundation by Public Law 90–209
9 (16 U.S.C. 19e et seq.).”.

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