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NATIONAL FISH AND WILDLIFE ESTABLISHMENT ACT AMENDMENTS OF 1998

JUNE 25, 1998.—Ordered to be printed

Mr. CHAFEE, from the Committee on Environment and Public Works, submitted the following

REPORT

[To accompany S. 2095]

The Committee on Environment and Public Works, to which was referred a bill (S. 2095) to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, having considered the same, reports favorably thereon with an amendment and recommends that the bill do pass.

BACKGROUND

In 1984, Congress passed and President Ronald Reagan signed into law a bill creating the National Fish and Wildlife Foundation. The Foundation is a Federally chartered, charitable, nonprofit corporation established to accept and administer gifts from private citizens for fish, wildlife and plant conservation. The Foundation develops private sector support for selected programs and activities of the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration that traditionally have not been adequately funded through annual appropriations.

Since its creation in 1984, the Foundation has been very successful in establishing public and private partnerships to conserve fish, wildlife and plants using Federal funds matched by private donations. On average, the Foundation has brought in more than two private sector dollars for every Federal dollar appropriated. With these funds, the Foundation has financed more than 2,550 conservation projects throughout the United States and in 35 other countries that, using partnerships and challenge grants, have been worth more than $310 million. The Foundation has conducted

these projects with a wide range of State and local agencies, academic institutions and conservation groups, including the Manomet Observatory, Chesapeake Bay Foundation, Defenders of Wildlife, Ducks Unlimited, Rocky Mountain Elk Foundation, International Association of Fish and Wildlife Agencies, Whirling Disease Foundation and The Nature Conservancy.

Through its grant program for conservation projects, the Foundation works to promote habitat conservation, environmental education and natural resource management. The Foundation awards grants in five major categories: conservation education, wetlands and private lands, neotropical migratory bird conservation, fisheries conservation and management, and wildlife and habitat management.

Objectives of Legislation

This legislation makes several significant changes to the Foundation's enabling legislation. First, it expands board membership on the Foundation from the current number of 15 to 25. Second, the bill expands the Foundation's jurisdiction. Under current law, the Foundation is only authorized to accept and administer private gifts of property in connection with the work of the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration. The bill authorizes the Foundation to do so with any agency within the Department of the Interior or the Department of Commerce to further the conservation and management of fish, wildlife and plants. Third, it authorizes annual appropriations through fiscal year 2003 to the Department of the Interior of $30 million and to the Department of Commerce of $5 million. The Foundation's current authorization expires on September 30, 1998.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

Section 1 designates the bill as the ''National Fish and Wildlife Foundation Establishment Act Amendments of 1998''.

Section 2. Purposes

Section 2 amends the National Fish and Wildlife Foundation Establishment Act by providing authority for the Foundation to accept and administer private gifts of property in connection with the work of other agencies (in addition to the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration) within the Department of the Interior and the Department of Commerce to further the conservation and management of fish, wildlife and plants.

Section 3. Board of Directors of the Foundation

Section 3 makes several changes to the structure of the Board of Directors. Section 3(a) increases the number of directors on the board from 15 to 25 to assist the Foundation in carrying out its responsibilities.

Section 3(b) requires the Board to include the Director of the United States Fish and Wildlife Service and the Under Secretary

of Commerce for Oceans and Atmosphere. The bill provides the Board an opportunity to make recommendations to the Secretary of the Interior on potential candidates for the Board but retains the current requirement that those appointments be made by the Secretary. This section also includes qualification criteria, terms of service, the establishment of staggered terms for new directors, and procedures for filling Board vacancies.

Section 3(c) exempts the Foundation from the Federal Advisory Committee Act (5 U.S.C. App.) It is not anticipated that there will be a need for further changes in either the appointment process or the size or structure of the Board.

Section 4. Rights and Obligations of the Foundation

Section 4(a) authorizes the Foundation to have its principal offices in the greater Washington D.C. metropolitan area.

Section 4(b) authorizes the Foundation to invest Federal funds in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States; to deposit Federal funds into accounts insured by the United States; to make use of the interest or investment income earned; and to use Federal funds in cooperative agreements with willing private landowners for restoration or enhancement of fish, wildlife and plant resources on private land.

Section 4(c) authorizes the Foundation to acquire property with Federal funds after notifying the appropriate agency, provided that the agency does not object in writing within 45 days.

Section 4(d) repeals Section 304 of Public Law 102–440 (Wild Bird Conservation Act of 1992) to remove an outdated audit requirement. The Foundation would be subjected to the general government audit threshold of $300,000.

Section 4(e) authorizes the Foundation to convey property acquired with Federal funds or to provide Federal funds for acquiring property to persons, other than the United States Fish and Wildlife Service, after notifying the appropriate agency, provided that the agency does not object in writing within 45 days.

Section 4(f) directs the Foundation to convey, at not less than fair market value, property acquired by the Foundation with Federal funds if the Foundation notifies the appropriate agency and the agency does not disagree within 45 days that the property is no longer valuable for conservation or management of fish, wildlife and plants and the proceeds could be better used for other authorized activities.

The purpose of Sections 4(c), 4(e) and 4(f) is to improve the operation of the Foundation and to maximize the use of its funds for fish and wildlife conservation projects. Under current law, the Director of the U.S. Fish and Wildlife Service must consent in writing before the Foundation may acquire or convey certain property. This has caused time-consuming and unnecessary delays.

Section 5. Authorization of Appropriations

Section 5(a) authorizes appropriations of $35 million per year to implement the Act through Fiscal Year 2003, of which $30 million would go to the Department of the Interior and $5 million would go to the Department of Commerce. To minimize additional paper-

work and administrative burden, the Foundation shall receive the entire appropriation on October 1, or as soon as practicable thereafter, of each fiscal year.

Section 5(b) authorizes the Foundation to accept Federal funds from a Federal agency under any other Federal law provided that those funds are used by the Foundation to conserve and manage fish, wildlife and plant resources in accordance with the requirements of this Act.

Section 5(c) requires Federal funds provided to the Foundation to be matched, in whole or in part, by nonfederal contributions. Federal funds used to carry out a cooperative agreement must be matched on at least a one-for-one basis. The Foundation is also prohibited from using any Federal funds for administrative expenses, including salaries, travel and transportation expenses, and other overhead expenses. The Committee adopted an amendment during its business meeting prohibiting grant recipients from using Federal appropriations under this Act to engage in activities relating to lobbying or litigation

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes evaluation of the regulatory impact of the reported bill. The reported bill will have no regulatory impact. This bill will not have any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the Committee finds that S. 2095 would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments. All of its governmental directives are imposed on Federal agencies. The bill does not directly impose any private sector mandates.

LEGISLATIVE HISTORY

On May 20, 1998, Senator Chafee introduced S. 2095, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act. No hearings were held on this bill. On Thursday, May 21, 1998, the Committee on Environment and Public Works held a business meeting to consider this bill. Senator Kempthorne offered an amendment during the full Committee business meeting that prevents grant recipients from using Federal funds under this Act to engage in lobbying or litigation. The amendment was adopted by voice vote. S. 2095, as amended, was favorably reported out of the Committee by voice vote.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of a reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 29, 1998.

Hon. JOHN H. CHAFEE, *Chairman,*
Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2095, the National Fish and Wildlife Foundation Establishment Act Amendments of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Joanna Wilson and Deborah Reis, both of whom can be reached at 226–2860.

Sincerely,

JUNE E. O'NEILL,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 2095, National Fish and Wildlife Foundation Establishment ActAmendments of 1998, as ordered reported by the Senate Committee on Environment and Public Works on May 21, 1998.

Summary

S. 2095 would authorize the appropriation of a total of $35 million for each of fiscal years 1999 through 2003 to the Department of the Interior ($30 million annually) and the Department of Commerce ($5 million annually) for making payments to the National Fish and Wildlife Foundation (NFWF). The payments would be available to the foundation to match contributions received from private, State, and local organizations to carry out various wildlife programs. Other provisions of the bill, which would amend the National Fish and Wildlife Foundation Establishment Act, would have no impact on Federal spending. Many ofthese provisions would clarify existing laws regarding the foundation's investment and use of federally appropriated funds.

The bill would not affect direct spending or receipts, therefore, pay-as-you-go procedures would not apply. S. 2095 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no significant impact on the budgets of State, local, or tribal governments.

Estimated Cost to the Federal Government

Assuming appropriation of the authorized amounts, CBO estimates that Federal agencies would make payments totaling $35 million to the NFWF in each of the next 5 years. The authorized annual payments are $10 million higher than the current annual authorization (which expires at the end of this fiscal year) and $29 million higher than the amount appropriated for payments to the NFWF for 1998. The estimated budgetary impact of S. 2095 is shown in the following table. The costs ofthis legislation fall within budget function 300 (natural resources and environment).

By fiscal year, in millions of dollars

	1998	1999	2000	2001	2002	2003
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget Authority[1]	6	0	0	0	0	0
Estimated Outlays	6	0	0	0	0	0
Proposed Changes:						
Authorization Level	0	35	35	35	35	35
Estimated Outlays	0	35	35	35	35	35
Spending Under S. 2095:						
Authorization Level[1]	6	35	35	35	35	35
Estimated Outlays	6	35	35	35	35	35

[1] The 1998 level is the amount appropriated for that year.

Pay-As-You-Go Considerations: None.

Intergovernmental and Private-Sector Impact: S. 2095 contains no intergovernmental or private-sector mandates as defined in UMRA and would have no significant impact on the budgets of State, local, or tribal governments.

Previous CBO Estimate: On March 31, 1998, CBO prepared a cost estimate for H.R. 2376, the National Fish and Wildlife Foundation Establishment Act Amendments of 1997, as ordered reported by the House Committee on Resources on March 11, 1998. In contrast to S. 2095's 5-year authorization of $35 million a year, H.R. 2376 would provide a 1-year authorization of $25 million for fiscal year 1999.

Estimate Prepared by: Joanna Wilson and Deborah Reis (226–2860)

Estimate Approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: existing law as proposed to be omitted is enclosed in **[**bold brackets**]**; new matter proposed to be added to existing law is printed in *italic*; and existing law in which no change is proposed is shown in roman.

UNITED STATES CODE—TITLE 16—CONSERVATION

CHAPTER 57—NATIONAL FISH AND WILDLIFE FOUNDATION

§ 3701. Establishment and purposes of Foundation

(a) ESTABLISHMENT—.There is established the National Fish and Wildlife Foundation (hereinafter in this chapter referred to as the ''Foundation''). The Foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States.

(b) PURPOSES—.The purposes of the Foundation are—

[(1) to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration;**]**

(1) to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the Department of the Interior or the Department of Commerce, particularly the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration, to further the conservation and management of fish, wildlife, and plant resources;

(2) to undertake and conduct such other activities as will further the conservation and management of the fish, wildlife, and plant resources of the United States, and its territories and possessions, for present and future generations of Americans; and

(3) to participate with, and otherwise assist, foreign governments, entities, and individuals in undertaking and conducting activities that will further the conservation and management of the fish, wildlife, and plant resources of other countries.

§ 3702. Board of Directors of Foundation

[(a) ESTABLISHMENT AND MEMBERSHIP—.The Foundation shall have a governing Board of Directors (hereinafter referred to in this chapter as the "Board"), which shall consist of 15 Directors, each of whom shall be a United States citizen and—

[(1) six of whom must be knowledgeable or experienced in fish and wildlife conservation; and

[(2) 4 of whom must be educated and experienced in the principles of fish and wildlife management. The membership of the Board, to the extent practicable, shall represent diverse points of view relating to fish and wildlife conservation. The Director of the United States Fish and Wildlife Service shall be an ex officio nonvoting member of the Board. Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.]

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) IN GENERAL.—The Foundation shall have a governing Board of Directors (referred to in this Act as the "Board"), which shall consist of 25 Directors appointed in accordance with subsection (b), each of whom shall be a United States citizen.

(2) REPRESENTATION OF DIVERSE POINTS OF VIEW.—To the maximum extent practicable, the membership of the Board shall represent diverse points of view relating to conservation and management of fish, wildlife, and plants.

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

[(b) APPOINTMENT AND TERMS—.By December 31, 1984, the Secretary of the Interior (hereinafter referred to in this chapter as the "Secretary") shall appoint the Directors of the Board. The Directors shall be appointed for terms of six years; except that the Secretary, in making the initial appointments to the Board, shall appoint three Directors to a term of two years, three Directors to

a term of four years, and three Directors to a term of six years. A vacancy on the Board shall be filled within sixty days of said vacancy in the manner in which the original appointment was made. No individual may serve more than two consecutive terms as a Director. The Secretary of the Interior shall consult with the Under Secretary of Commerce for Oceans and Atmosphere before appointing any Director of the Board.]

(b) APPOINTMENT AND TERMS.—

(1) AGENCY HEADS.—The Director of the United States Fish and Wildlife Service and the Under Secretary of Commerce for Oceans and Atmosphere shall be Directors of the Foundation.

(2) APPOINTMENTS BY THE SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—Subject to subparagraph (B), after consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 23 Directors who meet the criteria established by subsection (a), of whom—

(i) at least 6 shall be knowledgeable or experienced in fish and wildlife conservation;

(ii) at least 4 shall be educated or experienced in the principles of fish and wildlife management; and

(iii) at least 4 shall be knowledgeable or experienced in ocean and coastal resource conservation.

(B) TRANSITION PROVISION.—

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

(ii) NEW DIRECTORS.—The Secretary of the Interior shall appoint 8 new Directors; to the maximum extent practicable those appointments shall be made not later than 45 calendar days after the date of enactment of this paragraph.

(3) TERMS.—

(A) IN GENERAL.—Subject to subparagraph (B), each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.

(B) INITIAL APPOINTMENTS TO NEW MEMBER POSITIONS.—Of the Directors appointed by the Secretary of the Interior under paragraph (2)(B)(ii), the Secretary shall appoint—

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

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

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

(4) VACANCIES.—

(A) IN GENERAL.—The Secretary of the Interior shall fill a vacancy on the Board; to the maximum extent practicable the vacancy shall be filled not later than 45 calendar days after the occurrence of the vacancy.

(B) TERM OF APPOINTMENTS TO FILL UNEXPIRED TERMS.—An individual appointed to fill a vacancy that occurs before the expiration of the term of a Director shall be appointed for the remainder of the term.

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

(c) CHAIRMAN—.The Chairman shall be elected by the Board from its members for a two-year term.

(d) QUORUM—.A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS—.The Board shall meet at the call of the Chairman at least once a year. If a Director misses three consecutive regularly scheduled meetings, that individual may be removed from the Board and that vacancy filled in accordance with subsection (b) of this section.

(f) REIMBURSEMENT OF EXPENSES—.Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Foundation.

(g) GENERAL POWERS—

(1) The Board may complete the organization of the Foundation by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provisions of this chapter; and

(C) undertaking of other such acts as may be necessary to carry out the provisions of this chapter.

(2) The following limitations apply with respect to the appointment of officers and employees of the Foundation:

(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers and employees of the Foundation shall be appointed without regard to the provisions of title 5 governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(B) The first officer or employee appointed by the Board shall be the Secretary of the Board who (i) shall serve, at the direction of the Board, as its chief operating officer, and (ii) shall be knowledgeable and experienced in matters relating to fish and wildlife conservation.

(h) PROCEDURAL MATTERS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Foundation.

§ 3703. Rights and obligations of Foundation

(a) IN GENERAL—.The Foundation—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States and abroad;

(3) shall have its principal offices in the District of Columbia *or in a county in the State of Maryland or Virginia that borders on the District of Columbia*; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation. The serv-

ing of notice to, or service of process upon, the agent required under paragraph (4), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(b) SEAL—.The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

(c) POWERS—.To carry out its purposes under section 3701 of this title, the Foundation shall have, in addition to the powers otherwise given it under this chapter, the usual powers of a corporation acting as a trustee in the District of Columbia, including the power -

(1) to accept, receive, solicit, hold, administer and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein, subject to subsection (e) of this section;

(3) to invest any funds provided to the Foundation by the Federal Government in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States;

(4) to deposit any funds provided to the Foundation by the Federal Government into accounts that are insured by an agency or instrumentality of the United States;

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

(6) to use Federal funds to make payments under cooperative agreements entered into with willing private landowners to provide substantial long-term benefits for the restoration or enhancement of fish, wildlife, and plant resources on private land;

[(3)**]** *(7)* unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain or otherwise dispose of any property or income therefrom;

[(4)**]** *(8)* to borrow money and issue bonds, debentures, or other debt instruments;

[(5)**]** *(9)* to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the **[**Directors of the Board**]** *Directors of the Foundation* shall not be personally liable, except for gross negligence;

[(6)**]** *(10)* to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its function; and

[(7)**]** *(11)* to do any and all acts necessary and proper to carry out the purposes of the Foundation. For purposes of this chapter, an interest in real property shall be treated as including, among other things, easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private

persons if any current or future interest therein is for the benefit of the Foundation.

(d) CERTAIN LANDS, WATERS, AND INTERESTS NOT SUBJECT TO CONDEMNATION—.No lands or waters, or interests therein, that are owned by the Foundation and are determined by the Director of the United States Fish and Wildlife Service or the Migratory Bird Conservation Commission, as the case may be, to be valuable for purposes of fish and wildlife conservation or management shall be subject to condemnation by any State or political subdivision, or any agent or instrumentality thereof.

(e) ACQUISITION, MANAGEMENT, AND DISPOSAL OF REAL PROPERTY—

(1) The Foundation may only use Federal funds for the acquisition of interests in real property if—

(A) the interest is a long-term property interest, and

[(B) the Director of the United States Fish and Wildlife Service (hereafter in this subsection referred to as the "Director") consents to the acquisition in writing.**]**

(B) the Foundation notifies the Federal agency that administers the program under which the funds were provided of the proposed acquisition, and the agency does not object in writing to the proposed acquisition within 45 calendar days after the date of the notification.

(2) The Foundation shall convey to the United States Fish and Wildlife Service for inclusion within the National Wildlife Refuge System any real property acquired by the Foundation in whole or in part with Federal funds if the Director, within one year after the date on which the property was acquired by the Foundation, requests the conveyance in writing.

(3)(A) Subject to subparagraph (B), the Foundation may—

(i) convey to another person any real property acquired in whole or in part with Federal funds and not conveyed under paragraph (2); and

(ii) grant or otherwise provide Federal funds to another person for purposes of assisting that person to acquire real property in whole or in part with such funds.

(B) The Foundation may only make a conveyance or provide Federal funds under subparagraph (A) if—

(i) the conveyance or provision is subject to terms and conditions that will ensure that the real property will be administered for the long-term conservation and management of fish and wildlife and in a manner that will provide for appropriate public access and use; and

[(ii) the Director finds that conveyance or provision of Federal funds meets the requirements of clause (i) and consents to it in writing.**]**

(ii) the Foundation notifies the Federal agency that administers the Federal program under which the funds were provided of the proposed conveyance or provision of Federal funds, and the agency does not object in writing to the proposed conveyance or provision of Federal funds within 45 calendar days after the date of the notification.

(4) All real property acquired by the Foundation in whole or in part with Federal funds and held by it shall be administered for the conservation and management of fish and wildlife and in a manner that will provide for appropriate public access and use.

[(5) The Foundation shall convey at not less than fair-market value any real property acquired by it in whole or in part with Federal funds if the Foundation and the Director determine, in writing, that—

[(A) the land is no longer valuable for the purposes of fish and wildlife conservation or management, and

[(B) the purposes of the Foundation would be better served by the use of the Federal funds for other authorized activities of the Foundation.]

(5) RECONVEYANCE OF REAL PROPERTY.—The Foundation shall convey at not less than fair market value any real property acquired by the Foundation in whole or in part with Federal funds if the Foundation notifies the Federal agency that administers the Federal program under which the funds were provided, and the agency does not disagree within 45 calendar days after the date of the notification, that—

(A) the property is no longer valuable for the purpose of conservation or management of fish, wildlife, and plants; and

(B) the purposes of the Foundation would be better served by use of the proceeds of the conveyance for other authorized activities of the Foundation.

(f) EXPENDITURES FOR PRINTING SERVICES OR CAPITAL EQUIPMENT.—The Foundation shall not make any expenditure of Federal funds in connection with any 1 transaction for printing services or capital equipment that is greater than $10,000 unless the expenditure is approved by the Federal agency that administers the Federal program under which the funds were provided.

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§ 3705. Volunteer status

The [Secretary] *Secretary of the Interior or the Secretary of Commerce* may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and the officers and employees of the Board, without compensation from the Department of the Interior *or the Department of Commerce*, as volunteers in the performance of the functions authorized herein, in the manner provided for under section 742f(c)of this title.

* * * * * * *

§ 3709. Authorization of appropriations

[(a) AUTHORIZATION—.There are authorized to be appropriated to the Department of the Interior $25,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

[(b) USE OF AMOUNTS APPROPRIATED—

[(1) Subject to paragraph (2), amounts appropriated under this section shall be made available to the Foundation for use

for matching, in whole or in part, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

[(2) No Federal funds authorized under this section shall be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

[(c) ADDITIONAL AUTHORIZATION—.The amounts authorized to be appropriated under this section are in addition to any amounts provided or available to the Foundation under any other Federal law.]

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 1999 through 2003—

(A) $30,000,000 to the Department of the Interior; and

(B) $5,000,000 to the Department of Commerce.

(2) REQUIREMENT OF ADVANCE PAYMENT.—The amount made available for a fiscal year under paragraph (1) shall be provided to the Foundation in an advance payment of the entire amount on October 1, or as soon as practicable thereafter, of the fiscal year.

(b) ADDITIONAL AUTHORIZATION.—In addition to the amounts authorized to be appropriated under subsection (a), the Foundation may accept Federal funds from a Federal agency under any other Federal law for use by the Foundation to further the conservation and management of fish, wildlife, and plant resources in accordance with the requirements of this Act.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), Federal funds provided to the Foundation under this section shall be used by the Foundation for matching, in whole or in part, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

(2) PROHIBITION ON USE FOR ADMINISTRATIVE EXPENSES.—No Federal funds provided to the Foundation under this section shall be used by the Foundation to pay for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

(3) REQUIREMENT OF NON-FEDERAL MATCH.—No Federal funds provided to the Foundation under this section shall be used by the Foundation to carry out a cooperative agreement under section 4(c)(6) unless the funds are matched on at least a 1-for-1 basis by non-Federal contributions to the Foundation.

○