

Union Calendar No. 277

105TH CONGRESS
2^D SESSION

H. R. 2376

[Report No. 105–483]

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

APRIL 21, 1998

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on August 1, 1997]

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; AMENDMENT REFERENCES.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Na-*
 3 *tional Fish and Wildlife Foundation Establishment Act*
 4 *Amendments of 1998”.*

5 (b) *AMENDMENT OF NATIONAL FISH AND WILDLIFE*
 6 *FOUNDATION ESTABLISHMENT ACT.*—*Except as otherwise*
 7 *expressly provided, whenever in this Act an amendment or*
 8 *repeal is expressed in terms of an amendment to, or repeal*
 9 *of, a section or other provision, the reference shall be consid-*
 10 *ered to be made to a section or other provision of the Na-*
 11 *tional Fish and Wildlife Foundation Establishment Act (16*
 12 *U.S.C. 3701 et seq.).*

13 **SEC. 2. MEMBERSHIP OF BOARD OF DIRECTORS OF THE**
 14 **FOUNDATION.**

15 (a) *AMENDMENTS.*—*Section 3 (16 U.S.C. 3702) is*
 16 *amended—*

17 (1) *in subsection (a)—*

18 (A) *in the matter preceding paragraph (1),*
 19 *by striking “15” and inserting “22”;*

20 (B) *in paragraph (1), by striking “six” and*
 21 *inserting “4”, and by striking “and” after the*
 22 *semicolon at the end;*

23 (C) *in paragraph (2) by striking the period*
 24 *at the end and inserting “; and”;*

25 (D) *by inserting after paragraph (2) the fol-*
 26 *lowing:*

1 “(3) 4 of whom must be knowledgeable and expe-
2 rienced in ocean and coastal resource conservation.”;
3 and

4 (E) in the material following paragraph (3)
5 (as so added), by striking “shall be” and insert-
6 ing “and the Under Secretary of Commerce for
7 Oceans and Atmosphere shall each be”; and

8 (2) by amending subsection (b) to read as fol-
9 lows:

10 “(b) APPOINTMENT AND TERMS.—

11 “(1) IN GENERAL.—The Secretary of the Interior
12 (in this Act referred to as the ‘Secretary’) shall ap-
13 point the Directors of the Board, after considering
14 recommendations from the Board under paragraph
15 (4). The Secretary of the Interior shall consult with
16 the Under Secretary of Commerce for Oceans and At-
17 mosphere before appointing any Director of the
18 Board.

19 “(2) TERMS.—The Directors shall be appointed
20 for terms of 6 years; except that the Secretary, in
21 making the initial appointments to the Board, shall
22 appoint 3 Directors to a term of 2 years, 2 Directors
23 to a term of 4 years, and 2 Directors to a term of
24 6 years. No individual may serve more than 2 con-
25 secutive full terms as a Director.

1 “(3) *VACANCIES.*—*A vacancy on the Board shall*
 2 *be filled within 60 days after the occurrence of the va-*
 3 *cancy. Any individual appointed to fill a vacancy oc-*
 4 *curring prior to the expiration of any term of office*
 5 *shall be appointed for the remainder of that term.*

6 “(4) *NOMINATION OF APPOINTEES.*—*The Board*
 7 *may recommend to the Secretary individuals to be*
 8 *appointed as Directors of the Board.”.*

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

13 (c) *APPOINTMENT OF ADDITIONAL MEMBERS.*—

14 (1) *NOMINATIONS.*—*The Board of Directors on*
 15 *the National Fish and Wildlife Foundation shall sub-*
 16 *mit any recommendations of individuals for appoint-*
 17 *ment to positions on the Board created by the amend-*
 18 *ment made by subsection (a)(1) by not later than 60*
 19 *days after the date of the enactment of this Act.*

20 (2) *STAGGERED TERMS.*—*Of the Directors on the*
 21 *Board of Directors of the National Fish and Wildlife*
 22 *Foundation first appointed pursuant to the amend-*
 23 *ment made by subsection (a)(1)—*

24 (A) *3 shall be appointed to a term that ex-*
 25 *pires December 31, 1999;*

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

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

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

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

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

12 (2) by inserting after paragraph (2) the follow-
 13 ing:

14 “(3) to invest any funds provided to the Founda-
 15 tion by the Federal Government in obligations of the
 16 United States or in obligations or securities that are
 17 guaranteed or insured by the United States;

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

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

1 “(6) to provide Federal funds for the purpose of
2 entering into cooperative agreements with willing pri-
3 vate landowners for restoration and enhancement of
4 fish, wildlife, and other natural resources on public or
5 private land, or both, if such cooperative agree-
6 ments—

7 “(A) provide general conservation benefits;
8 or

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

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

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

16 (1) by amending paragraph (1)(B) to read as
17 follows:

18 “(B) the Foundation notifies the Federal agency
19 that administers the program under which the funds
20 were provided of the proposed acquisition, and the
21 agency fails to object in writing to the proposed ac-
22 quisition within 60 days after the date of that notifi-
23 cation.”; and

24 (2) in paragraph (2), by striking “the Director”
25 and inserting “the head of the Federal agency that

1 *administers the program under which the funds were*
 2 *provided”.*

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

5 (d) *AGENCY APPROVAL OF CONVEYANCES AND*
 6 *GRANTS.*—Section 4(e)(3)(B)(ii) (16 *U.S.C.*
 7 *3703(e)(3)(B)(ii)*) is amended to read as follows:

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 or*
 11 *provision of Federal funds, and the head of the agency*
 12 *fails to object in writing to such proposed conveyance*
 13 *or provision of Federal funds within 60 days after the*
 14 *date of that notification.”.*

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

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

4 “(B) the purposes of the Foundation would be
5 better served by the use of the proceeds of the convey-
6 ance for authorized activities of the Foundation.”.

7 (f) *TERMINATION OF CONDEMNATION LIMITATION; EX-*
8 *PENDITURES FOR PRINTING OR CAPITAL EQUIPMENT.—*
9 *Section 4(d) (16 U.S.C. 3703(d)) is amended to read as*
10 *follows:*

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

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

23 *Section 10(b) (16 U.S.C. 3709(b)) is amended by add-*
24 *ing at the end the following:*

1 “(3)(A) *Amounts provided as a grant by the Founda-*
 2 *tion shall not be used for—*

3 “(i) *expenses related to litigation; or*

4 “(ii) *any activity the purpose of which is to in-*
 5 *fluence legislation pending before the Congress.*

6 “(B) *Subparagraph (A)(ii) shall not be considered to*
 7 *prohibit officers or employees of the Foundation from com-*
 8 *municating to Members or staff of Congress requests for leg-*
 9 *islation that they consider necessary for the efficient con-*
 10 *duct of the business of the Foundation or that relates to*
 11 *the authority of the Foundation, appropriations for use by*
 12 *the Foundation, or use of Federal funds by the Foundation.*

13 “(4) *Amounts provided as a grant by the Foundation*
 14 *shall not be used for any activity related to the introduction*
 15 *of wolves or grizzly bears in Idaho, Montana, Utah, or*
 16 *Wyoming.”.*

17 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

20 “(a) *AUTHORIZATION.—There are authorized to be ap-*
 21 *propriated to the Secretary of the Interior and the Secretary*
 22 *of Commerce, in the aggregate, \$25,000,000 for fiscal year*
 23 *1999.”.*

24 (b) *REPEAL.—Section 10(c) (16 U.S.C. 3709(c)) is*
 25 *repealed.*

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