

106TH CONGRESS  
2D SESSION

# H. R. 4010

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2000

Mr. FALEOMAVAEGA introduced the following bill; which was referred to the  
Committee on Resources

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## 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.**

4       This Act may be cited as the “National Fish and  
5       Wildlife Foundation Establishment Act Amendments of  
6       2000”.

7       **SEC. 2. PURPOSES.**

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

1 “(1) to encourage, accept, and administer pri-  
2 vate gifts of property for the benefit of, or in con-  
3 nection with, the activities and services of the De-  
4 partment of the Interior and the Department of  
5 Commerce to further the conservation and manage-  
6 ment of fish, wildlife, plants, and other natural re-  
7 sources;”.

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

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

13 “(a) ESTABLISHMENT AND MEMBERSHIP.—

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

19 “(2) REPRESENTATION OF DIVERSE POINTS OF  
20 VIEW.—To the maximum extent practicable, the  
21 membership of the Board shall represent diverse  
22 points of view relating to conservation and manage-  
23 ment of fish, wildlife, plants, and other natural re-  
24 sources.

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

5           (b) APPOINTMENT AND TERMS.—Section 3 of the  
6           National Fish and Wildlife Foundation Establishment Act  
7           (16 U.S.C. 3702) is amended by striking subsection (b)  
8           and inserting the following:

9           “(b) APPOINTMENT AND TERMS.—

10           “(1) AGENCY HEADS.—The Director of the  
11           United States Fish and Wildlife Service and the  
12           Under Secretary of Commerce for Oceans and At-  
13           mosphere shall be Directors of the Foundation.

14           “(2) APPOINTMENTS BY THE SECRETARY OF  
15           THE INTERIOR.—

16           “(A) IN GENERAL.—Subject to subpara-  
17           graph (B), after consulting with the Secretary  
18           of Commerce and considering the recommenda-  
19           tions submitted by the Board, the Secretary of  
20           the Interior shall appoint 23 Directors who  
21           meet the criteria established by subsection (a),  
22           of whom—

23           “(i) at least 6 shall be educated or ex-  
24           perienced in fish, wildlife, or other natural  
25           resource conservation;

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

5 “(iii) at least 4 shall be educated or  
6 experienced in ocean and coastal resource  
7 conservation.

8 “(B) TRANSITION PROVISION.—

9 “(i) CONTINUATION OF TERMS.—The  
10 15 Directors serving on the Board as of  
11 the date of enactment of this paragraph  
12 shall continue to serve until the expiration  
13 of their terms.

14 “(ii) NEW DIRECTORS.—The Sec-  
15 retary of the Interior shall appoint 8 new  
16 Directors. To the maximum extent prac-  
17 ticable, those appointments shall be made  
18 not later than 45 calendar days after the  
19 date of enactment of this paragraph.

20 “(3) TERMS.—

21 “(A) IN GENERAL.—Subject to subpara-  
22 graph (B), each Director (other than a Director  
23 described in paragraph (1)) shall be appointed  
24 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, a 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.

1           “(6) REQUEST FOR REMOVAL.—The Executive  
2       Committee of the Board may submit to the Sec-  
3       retary a letter describing the nonperformance of a  
4       Director and requesting the removal of the Director  
5       from the Board.

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

10       (c) TECHNICAL AMENDMENTS.—

11           (1) Section 4(c)(5) of the National Fish and  
12       Wildlife Foundation Establishment Act (16 U.S.C.  
13       3703(c)(5)) is amended by striking “Directors of the  
14       Board” and inserting “Directors of the Founda-  
15       tion”.

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

19                (A) by striking “Secretary” and inserting  
20       “Secretary of the Interior or the Secretary of  
21       Commerce”; and

22                (B) by inserting “or the Department of  
23       Commerce” after “Department of the Interior”.

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

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

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

12 (1) by redesignating paragraphs (3) through  
13 (7) as paragraphs (7) through (11), respectively;  
14 and

15 (2) by inserting after paragraph (2) the fol-  
16 lowing:

17 “(3) to invest any funds provided to the Foun-  
18 dation by the Federal Government in obligations of  
19 the United States or in obligations or securities that  
20 are guaranteed or insured by the United States;

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

25 “(5) to make use of any interest or investment  
26 income that accrues as a consequence of actions

1 taken under paragraph (3) or (4) to carry out the  
2 purposes of the Foundation;

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

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

14 “(B) the Foundation notifies the Federal agen-  
15 cy that administers the program under which the  
16 funds were provided of the proposed acquisition, and  
17 the agency does not object in writing to the proposed  
18 acquisition within 60 calendar days after the date of  
19 the notification.”.

20 (d) REPEAL.—Section 304 of Public Law 102–440  
21 (16 U.S.C. 3703 note) is repealed.

22 (e) AGENCY APPROVAL OF CONVEYANCES AND  
23 GRANTS.—Section 4(e)(3)(B) of the National Fish and  
24 Wildlife Foundation Establishment Act (16 U.S.C.



1 3703(e)(3)(B)) is amended by striking clause (ii) and in-  
2 serting the following:

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

10 (f) RECONVEYANCE OF REAL PROPERTY.—Section  
11 4(e) of the National Fish and Wildlife Foundation Estab-  
12 lishment Act (16 U.S.C. 3703(e)) is amended by striking  
13 paragraph (5) and inserting the following:

14 “(5) RECONVEYANCE OF REAL PROPERTY.—  
15 The Foundation shall convey at not less than fair  
16 market value any real property acquired by the  
17 Foundation in whole or in part with Federal funds  
18 if the Foundation notifies the Federal agency that  
19 administers the Federal program under which the  
20 funds were provided, and the agency does not dis-  
21 agree within 60 calendar days after the date of the  
22 notification, that—

23 “(A) the property is no longer valuable for  
24 the purpose of conservation or management of

1 fish, wildlife, plants, and other natural re-  
2 sources; and

3 “(B) the purposes of the Foundation would  
4 be better served by use of the proceeds of the  
5 conveyance for other authorized activities of the  
6 Foundation.”.

7 (g) EXPENDITURES FOR PRINTING SERVICES OR  
8 CAPITAL EQUIPMENT.—Section 4 of the National Fish  
9 and Wildlife Foundation Establishment Act (16 U.S.C.  
10 3703) is amended by adding at the end the following:

11 “(h) EXPENDITURES FOR PRINTING SERVICES OR  
12 CAPITAL EQUIPMENT.—The Foundation shall not make  
13 any expenditure of Federal funds in connection with any  
14 1 transaction for printing services or capital equipment  
15 that is greater than \$10,000 unless the expenditure is ap-  
16 proved by the Federal agency that administers the Federal  
17 program under which the funds were provided.”.

18 **SEC. 5. FUNDING.**

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

22 **“SEC. 10. FUNDING.**

23 “(a) AUTHORIZATION OF APPROPRIATIONS.—

1           “(1) IN GENERAL.—There are authorized to be  
2           appropriated to carry out this Act for each of fiscal  
3           years 2001 through 2006—

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

6                   “(B) \$10,000,000 to the Department of  
7           Commerce.

8           “(2) REQUIREMENT OF ADVANCE PAYMENT.—  
9           The amount made available for a fiscal year under  
10          paragraph (1), and any other amounts provided to  
11          the Foundation for a fiscal year by the Department  
12          of Commerce or the Department of the Interior,  
13          shall be provided to the Foundation in an advance  
14          payment of the entire amount on October 1, or as  
15          soon as practicable thereafter, of the 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-

1       tion for administrative expenses of the Foundation,  
2       including for salaries, travel and transportation ex-  
3       penses, and other overhead expenses.

4       “(b) ADDITIONAL AUTHORIZATION.—

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

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

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

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

24                      “(2) any activity the purpose of which is to in-  
25      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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