

113TH CONGRESS  
1ST SESSION

# H. R. 263

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

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2013

Mr. GRIMM (for himself and Mr. DINGELL) introduced the following bill;  
which was referred to the Committee on Natural 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 Reauthorization Act of 2013”.

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

7 (a) IN GENERAL.—Section 3 of the National Fish  
8 and Wildlife Foundation Establishment Act (16 U.S.C.  
9 3702) is amended—

10 (1) in subsection (b)—

1 (A) by striking paragraph (2) and insert-  
 2 ing the following:

3 “(2) IN GENERAL.—After consulting with the  
 4 Secretary of Commerce and considering the rec-  
 5 ommendations submitted by the Board, the Sec-  
 6 retary of the Interior shall appoint 28 Directors  
 7 who, to the maximum extent practicable, shall—

8 “(A) be knowledgeable and experienced in  
 9 matters relating to conservation of fish, wildlife,  
 10 or other natural resources; and

11 “(B) represent a balance of expertise in  
 12 ocean, coastal, freshwater, and terrestrial re-  
 13 source conservation.”; and

14 (B) by striking paragraph (3) and insert-  
 15 ing the following:

16 “(3) TERMS.—Each Director (other than a Di-  
 17 rector described in paragraph (1)) shall be appointed  
 18 for a term of 6 years.”; and

19 (2) in subsection (g)(2)—

20 (A) in subparagraph (A), by striking “(A)  
 21 Officers and employees may not be appointed  
 22 until the Foundation has sufficient funds to pay  
 23 them for their service. Officers” and inserting  
 24 the following:

25 “(A) IN GENERAL.—Officers”; and

1 (B) by striking subparagraph (B) and in-  
 2 serting the following:

3 “(B) EXECUTIVE DIRECTOR.—The Foun-  
 4 dation shall have an Executive Director who  
 5 shall be—

6 “(i) appointed by, and serve at the di-  
 7 rection of, the Board as the chief executive  
 8 officer of the Foundation; and

9 “(ii) knowledgeable and experienced in  
 10 matters relating to fish and wildlife con-  
 11 servation.”.

12 (b) CONFORMING AMENDMENT.—Section 4(a)(1)(B)  
 13 of the North American Wetlands Conservation Act (16  
 14 U.S.C. 4403(a)(1)(B)) is amended by striking “Secretary  
 15 of the Board” and inserting “Executive Director of the  
 16 Board”.

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

18 Section 4 of the National Fish and Wildlife Founda-  
 19 tion Establishment Act (16 U.S.C. 3703) is amended—

20 (1) in subsection (c)—

21 (A) by striking “(c) POWERS.—To carry  
 22 out its purposes under” and inserting the fol-  
 23 lowing:

24 “(c) POWERS.—

1 “(1) IN GENERAL.—To carry out the purposes  
2 described in”;

3 (B) by redesignating paragraphs (1)  
4 through (11) as subparagraphs (A) through  
5 (K), respectively, and indenting appropriately;

6 (C) in subparagraph (D) (as redesignated  
7 by subparagraph (B)), by striking “that are in-  
8 sured by an agency or instrumentality of the  
9 United States” and inserting “at 1 or more fi-  
10 nancial institutions that are members of the  
11 Federal Deposit Insurance Corporation or the  
12 Securities Investment Protection Corporation”;

13 (D) in subparagraph (E) (as redesignated  
14 by subparagraph (B)), by striking “paragraph  
15 (3) or (4)” and inserting “subparagraph (C) or  
16 (D)”;

17 (E) in subparagraph (J) (as redesignated  
18 by subparagraph (B)), by striking “; and” and  
19 inserting a semicolon;

20 (F) by striking subparagraph (K) (as re-  
21 designated by subparagraph (B)) and inserting  
22 the following:

23 “(K) to receive and administer restitution  
24 and community service payments, amounts for  
25 mitigation of impacts to natural resources, and

1 other amounts arising from legal, regulatory, or  
2 administrative proceedings, subject to the con-  
3 dition that the amounts are received or admin-  
4 istered for purposes that further the conserva-  
5 tion and management of fish, wildlife, plants,  
6 and other natural resources; and

7 “(L) to do any and all acts necessary and  
8 proper to carry out the purposes of the Founda-  
9 tion.”; and

10 (G) by striking the undesignated matter at  
11 the end and inserting the following:

12 “(2) TREATMENT OF REAL PROPERTY.—

13 “(A) IN GENERAL.—For purposes of this  
14 Act, an interest in real property shall be treated  
15 as including easements or other rights for pres-  
16 ervation, conservation, protection, or enhance-  
17 ment by and for the public of natural, scenic,  
18 historic, scientific, educational, inspirational, or  
19 recreational resources.

20 “(B) ENCUMBERED REAL PROPERTY.—A  
21 gift, devise, or bequest may be accepted by the  
22 Foundation even though the gift, devise, or be-  
23 quest is encumbered, restricted, or subject to  
24 beneficial interests of private persons if any

1 current or future interest in the gift, devise, or  
 2 bequest is for the benefit of the Foundation.

3 “(3) SAVINGS CLAUSE.—The acceptance and  
 4 administration of amounts by the Foundation under  
 5 paragraph (1)(K) does not alter, supersede, or limit  
 6 any regulatory or statutory requirement associated  
 7 with those amounts.”;

8 (2) by striking subsections (f) and (g); and

9 (3) by redesignating subsections (h) and (i) as  
 10 subsections (f) and (g), respectively.

11 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

12 Section 10 of the National Fish and Wildlife Founda-  
 13 tion Establishment Act (16 U.S.C. 3709) is amended—

14 (1) in subsection (a), by striking paragraph (1)  
 15 and inserting the following:

16 “(1) IN GENERAL.—There are authorized to be  
 17 appropriated to carry out this Act for each of fiscal  
 18 years 2014 through 2019—

19 “(A) \$15,000,000 to the Secretary of the  
 20 Interior;

21 “(B) \$5,000,000 to the Secretary of Agri-  
 22 culture; and

23 “(C) \$5,000,000 to the Secretary of Com-  
 24 merce.”;

25 (2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) AMOUNTS FROM FEDERAL AGENCIES.—

“(A) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities may provide Federal funds to the Foundation, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.

“(B) ADVANCES.—Federal departments, agencies, or instrumentalities may advance amounts described in subparagraph (A) to the Foundation in a lump sum without regard to when the expenses for which the amounts are used are incurred.

“(C) MANAGEMENT FEES.—The Foundation may assess and collect fees for the management of amounts received under this paragraph.”;

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “FUNDS” and inserting “AMOUNTS”;

(ii) by striking “shall be used” and inserting “may be used”; and

(iii) by striking “and State and local government agencies” and inserting “, State and local government agencies, and other entities”; and

(C) by adding at the end the following:

“(3) ADMINISTRATION OF AMOUNTS.—

“(A) IN GENERAL.—In entering into contracts, agreements, or other partnerships pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process of that department, agency, or instrumentality for entering into contracts, agreements, or partnerships with the Foundation if the purpose of the waiver is—

“(i) to address an environmental emergency resulting from a natural or other disaster; or

“(ii) as determined by the head of the applicable Federal department, agency, or instrumentality, to reduce administrative expenses and expedite the conservation and management of fish, wildlife, plants, and other natural resources.

1                   “(B) REPORTS.—The Foundation shall in-  
2                   clude in the annual report submitted under sec-  
3                   tion 7(b) a description of any use of the author-  
4                   ity under subparagraph (A) by a Federal de-  
5                   partment, agency, or instrumentality in that fis-  
6                   cal year.”; and

7                   (3) by adding at the end the following:

8                   “(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF  
9                   MONEY OR OTHER PROPERTY.—Any gifts, devises, or be-  
10                  quests of amounts or other property, or any other amounts  
11                  or other property, transferred to, deposited with, or other-  
12                  wise in the possession of the Foundation pursuant to this  
13                  Act, may be made available by the Foundation to Federal  
14                  departments, agencies, or instrumentalities and may be  
15                  accepted and expended (or the disposition of the amounts  
16                  or property directed), without further appropriation, by  
17                  those Federal departments, agencies, or instrumentalities,  
18                  subject to the condition that the amounts or property be  
19                  used for purposes that further the conservation and man-  
20                  agement of fish, wildlife, plants, and other natural re-  
21                  sources.”.

1 **SEC. 5. LIMITATION ON AUTHORITY.**

2       Section 11 of the National Fish and Wildlife Founda-  
3 tion Establishment Act (16 U.S.C. 3710) is amended by  
4 inserting “exclusive” before “authority”.

