

Calendar No. 413

113TH CONGRESS
2D SESSION

S. 51

[Report No. 113–183]

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

IN THE SENATE OF THE UNITED STATES

JANUARY 22 (legislative day, JANUARY 3), 2013

Mrs. BOXER (for herself, Mr. VITTER, Mr. UDALL of New Mexico, Mr. TESTER, Mr. BAUCUS, Mr. WHITEHOUSE, Mr. CARDIN, Mr. ROBERTS, Mr. COCHRAN, Ms. STABENOW, Ms. COLLINS, and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

JUNE 5, 2014

Reported by Mrs. BOXER, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Fish and
5 Wildlife Foundation Reauthorization Act of 2013”.

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

2 (a) IN GENERAL.—Section 3 of the National Fish
3 and Wildlife Foundation Establishment Act (16 U.S.C.
4 3702) is amended—

5 (1) in subsection (b)—

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

8 “(2) IN GENERAL.—After consulting with the
9 Secretary of Commerce and considering the rec-
10 ommendations submitted by the Board, the Sec-
11 retary of the Interior shall appoint 28 Directors
12 who, to the maximum extent practicable, shall—

13 “(A) be knowledgeable and experienced in
14 matters relating to the conservation of fish,
15 wildlife, or other natural resources; and

16 “(B) represent a balance of expertise in
17 ocean, coastal, freshwater, and terrestrial re-
18 source conservation.”; and

19 (B) by striking paragraph (3) and insert-
20 ing the following:

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

24 (2) in subsection (g)(2)—

25 (A) in subparagraph (A), by striking “(A)
26 Officers and employees may not be appointed

until the Foundation has sufficient funds to pay them for their service. Officers” and inserting the following:

“(A) IN GENERAL.—Officers”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) EXECUTIVE DIRECTOR.—The Foundation shall have an Executive Director who shall be—

“(i) appointed by, and serve at the direction of, the Board as the chief executive officer of the Foundation; and

“(ii) knowledgeable and experienced in matters relating to fish and wildlife conservation.”.

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

SEC. 3. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended—

(1) in subsection (c)—

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

4 “(c) POWERS.—

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

7 (B) by redesignating paragraphs (1)
 8 through (11) as subparagraphs (A) through
 9 (K), respectively, and indenting appropriately;

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

17 (D) in subparagraph (E) (as redesignated
 18 by subparagraph (B)), by striking “paragraph
 19 (3) or (4)” and inserting “subparagraph (C) or
 20 (D)”;

21 (E) in subparagraph (J) (as redesignated
 22 by subparagraph (B)), by striking “; and” and
 23 inserting a semicolon;

(F) by striking subparagraph (K) (as redesignated by subparagraph (B)) and inserting the following:

“(K) to receive and administer restitution and community service payments, amounts for mitigation of impacts to natural resources, and other amounts arising from legal, regulatory, or administrative proceedings, subject to the condition that the amounts are received or administered for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources; and

“(L) to do any and all acts necessary and proper to carry out the purposes of the Foundation.”; and

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

“(2) TREATMENT OF REAL PROPERTY.—

“(A) IN GENERAL.—For purposes of this Act, an interest in real property shall be treated as including 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.

1 “(B) ENCUMBERED REAL PROPERTY.—A
 2 gift, devise, or bequest may be accepted by the
 3 Foundation even though the gift, devise, or be-
 4 quest is encumbered, restricted, or subject to
 5 beneficial interests of private persons if any
 6 current or future interest in the gift, devise, or
 7 bequest is for the benefit of the Foundation.

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

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

14 (3) by redesignating subsections (h) and (i) as
 15 subsections (f) and (g), respectively.

16 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

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

19 (1) in subsection (a), by striking paragraph (1)
 20 and inserting the following:

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

24 “(A) \$15,000,000 to the Secretary of the
 25 Interior;

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

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

5 (2) in subsection (b)—

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

8 “(1) AMOUNTS FROM FEDERAL AGENCIES.—

9 “(A) IN GENERAL.—In addition to the
10 amounts authorized to be appropriated under
11 subsection (a), Federal departments, agencies,
12 or instrumentalities may provide Federal funds
13 to the Foundation, subject to the condition that
14 the amounts are used for purposes that further
15 the conservation and management of fish, wild-
16 life, plants, and other natural resources in ac-
17 cordance with this Act.

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

24 “(C) MANAGEMENT FEES.—The Founda-
25 tion may assess and collect fees for the manage-

ment 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

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

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

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

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

1 agement of fish, wildlife, plants, and other natural re-
2 sources.”.

3 **SEC. 5. LIMITATION ON AUTHORITY.**

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

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