

# Calendar No. 413

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 51

[Report No. 113–183]

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

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## 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

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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”.

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

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

4                   “(A) IN GENERAL.—Officers”; and

5                   (B) by striking subparagraph (B) and in-  
 6           serting the following:

7                   “(B) EXECUTIVE DIRECTOR.—The Foun-  
 8           dation shall have an Executive Director who  
 9           shall be—

10                   “(i) appointed by, and serve at the di-  
 11           rection of, the Board as the chief executive  
 12           officer of the Foundation; and

13                   “(ii) knowledgeable and experienced in  
 14           matters relating to fish and wildlife con-  
 15           servation.”.

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

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

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

24                   (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;

1 (F) by striking subparagraph (K) (as re-  
2 designated by subparagraph (B)) and inserting  
3 the following:

4 “(K) to receive and administer restitution  
5 and community service payments, amounts for  
6 mitigation of impacts to natural resources, and  
7 other amounts arising from legal, regulatory, or  
8 administrative proceedings, subject to the con-  
9 dition that the amounts are received or admin-  
10 istered for purposes that further the conserva-  
11 tion and management of fish, wildlife, plants,  
12 and other natural resources; and

13 “(L) to do any and all acts necessary and  
14 proper to carry out the purposes of the Founda-  
15 tion.”; and

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

18 “(2) TREATMENT OF REAL PROPERTY.—

19 “(A) IN GENERAL.—For purposes of this  
20 Act, an interest in real property shall be treated  
21 as including easements or other rights for pres-  
22 ervation, conservation, protection, or enhance-  
23 ment by and for the public of natural, scenic,  
24 historic, scientific, educational, inspirational, or  
25 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-

1           ment of amounts received under this para-  
2           graph.”;

3           (B) in paragraph (2)—

4           (i) in the paragraph heading, by strik-  
5           ing “FUNDS” and inserting “AMOUNTS”;

6           (ii) by striking “shall be used” and in-  
7           serting “may be used”; and

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

12          (C) by adding at the end the following:

13          “(3) ADMINISTRATION OF AMOUNTS.—

14                 “(A) IN GENERAL.—In entering into con-  
15                 tracts, agreements, or other partnerships pursu-  
16                 ant to this Act, a Federal department, agency,  
17                 or instrumentality shall have discretion to waive  
18                 any competitive process of that department,  
19                 agency, or instrumentality for entering into  
20                 contracts, agreements, or partnerships with the  
21                 Foundation if the purpose of the waiver is—

22                         “(i) to address an environmental  
23                         emergency resulting from a natural or  
24                         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, DEVICES, 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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