

105TH CONGRESS
2^D SESSION

S. 2094

AN ACT

To amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

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 “Fish and Wildlife Rev-
5 enue Enhancement Act of 1998”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the United States Fish and Wildlife Service
4 (referred to in this Act as the “Service”)—

5 (A) is responsible for storage and disposal
6 of items derived from fish, wildlife, and plants,
7 including eagles and eagle parts, and other
8 items that have become the property of the
9 United States through abandonment or forfeit-
10 ure under applicable laws relating to fish, wild-
11 life, or plants;

12 (B) distributes many of those items for
13 educational and scientific uses and for religious
14 purposes of Native Americans; and

15 (C) unless otherwise prohibited by law,
16 may dispose of some of those items by sale, ex-
17 cept items derived from endangered or threat-
18 ened species, marine mammals, and migratory
19 birds;

20 (2) under law in effect on the date of enact-
21 ment of this Act, the revenue from sale of aban-
22 doned items is not available to the Service, although
23 approximately 90 percent of the items in possession
24 of the Service have been abandoned; and

1 (3) making revenue from the sale of abandoned
2 items available to the Service will enable the Serv-
3 ice—

4 (A) to cover costs incurred in shipping,
5 storing, and disposing of items derived from
6 fish, wildlife, and plants; and

7 (B) to make more extensive distributions
8 of those items for educational, scientific, and
9 Native American religious purposes.

10 (b) PURPOSES.—The purposes of this Act are to
11 make proceeds from sales of abandoned items derived
12 from fish, wildlife, and plants available to the Service and
13 to authorize the use of those proceeds to cover costs in-
14 curred in shipping, storing, and disposing of those items.

15 **SEC. 3. USE OF PROCEEDS OF CERTAIN SALES.**

16 Section 3(c) of the Fish and Wildlife Improvement
17 Act of 1978 (16 U.S.C. 742l(c)) is amended—

18 (1) by striking “Notwithstanding” and insert-
19 ing the following:

20 “(1) IN GENERAL.—Subject to paragraph (2),
21 notwithstanding”; and

22 (2) by adding at the end the following:

23 “(2) PROHIBITION ON SALE OF CERTAIN
24 ITEMS.—In carrying out paragraph (1), the Sec-
25 retary of the Interior and the Secretary of Com-

1 merce may not sell any species of fish, wildlife, or
2 plant, or derivative thereof, for which the sale is pro-
3 hibited by another Federal law.

4 “(3) USE OF REVENUES.—The Secretary of the
5 Interior and the Secretary of Commerce may each
6 expend any revenues received from the disposal of
7 items under paragraph (1), and all sums referred to
8 in the first sentence of section 11(d) of the Endan-
9 gered Species Act of 1973 (16 U.S.C. 1540(d)) and
10 the first sentence of section 6(d) of the Lacey Act
11 Amendments of 1981 (16 U.S.C. 3375(d))—

12 “(A) to make payments in accordance with
13 those sections; and

14 “(B) to pay costs associated with—

15 “(i) shipping items referred to in
16 paragraph (1) to and from the place of
17 storage, sale, or temporary or final dis-
18 posal, including temporary or permanent
19 loan;

20 “(ii) storage of the items, including
21 inventory of, and security for, the items;

22 “(iii) appraisal of the items;

23 “(iv) sale or other disposal of the
24 items in accordance with applicable law, in-

1 cluding auctioneer commissions and related
2 expenses;

3 “(v) payment of any valid liens or
4 other encumbrances on the items and pay-
5 ment for other measures required to clear
6 title to the items; and

7 “(vi) in the case of the Secretary of
8 the Interior only, processing and shipping
9 of eagles and other migratory birds, and
10 parts of migratory birds, for Native Amer-
11 ican religious purposes.”.

Passed the Senate September 11, 1998.

Attest:

Secretary.

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