

105TH CONGRESS
2D SESSION

S. 2094

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.

IN THE SENATE OF THE UNITED STATES

MAY 20, 1998

Mr. ALLARD (for himself and Mr. CHAFEE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

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

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

8 (B) distributes many of those items for
9 educational and scientific uses and for religious
10 purposes of Native Americans; and

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

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

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

1 (A) to cover costs incurred in shipping,
2 storing, and disposing of items derived from
3 fish, wildlife, and plants; and

4 (B) to make more extensive distributions
5 of those items for educational, scientific, and
6 Native American religious purposes.

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

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

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

15 (1) by striking “Notwithstanding” and insert-
16 ing the following:

17 “(1) IN GENERAL.—Notwithstanding”; and

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

19 “(2) USE OF REVENUES.—The Secretary of the
20 Interior and the Secretary of Commerce may each
21 expend any revenues received from the disposal of
22 items under paragraph (1), and all sums referred to
23 in the first sentence of section 11(d) of the Endan-
24 gered Species Act of 1973 (16 U.S.C. 1540(d)) and

1 the first sentence of section 6(d) of the Lacey Act
2 Amendments of 1981 (16 U.S.C. 3375(d))—

3 “(A) to make payments in accordance with
4 those sections; and

5 “(B) to pay costs associated with—

6 “(i) shipping items referred to in
7 paragraph (1) to and from the place of
8 storage, sale, or temporary or final dis-
9 posal, including temporary or permanent
10 loan;

11 “(ii) storage of the items, including
12 inventory of, and security for, the items;

13 “(iii) appraisal of the items;

14 “(iv) sale or other disposal of the
15 items in accordance with applicable law, in-
16 cluding auctioneer commissions and related
17 expenses;

18 “(v) payment of any valid liens or
19 other encumbrances on the items and pay-
20 ment for other measures required to clear
21 title to the items; and

22 “(vi) in the case of the Secretary of
23 the Interior only, processing and shipping
24 of eagles and other migratory birds, and

- 1 parts of migratory birds, for Native Amer-
- 2 ican religious purposes.”.

