

116TH CONGRESS
1ST SESSION

S. 1139

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

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2019

Mr. CARDIN (for himself, Mr. CASSIDY, Mr. CARPER, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. UDALL) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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 2019”.

6 **SEC. 2. NATIONAL FISH AND WILDLIFE FOUNDATION ES-**
7 **TABLISHMENT ACT.**

8 (a) BOARD OF DIRECTORS OF FOUNDATION.—

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

4 (A) in subsection (b)—

5 (i) by striking paragraph (2) and in-
6 serting the following:

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

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

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

18 (ii) by striking paragraph (3) and in-
19 serting the following:

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

23 (B) in subsection (g)(2)—

24 (i) in subparagraph (A), by striking

25 “(A) Officers and employees may not be

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

4 “(A) IN GENERAL.—Officers”; and

5 (ii) by striking subparagraph (B) and
 6 inserting 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 (2) CONFORMING AMENDMENT.—Section
 17 4(a)(1)(B) of the North American Wetlands Con-
 18 servation Act (16 U.S.C. 4403(a)(1)(B)) is amended
 19 by striking “Secretary of the Board” and inserting
 20 “Executive Director of the Board”.

21 (b) RIGHTS AND OBLIGATIONS OF FOUNDATION.—
 22 Section 4 of the National Fish and Wildlife Foundation
 23 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 one or more
14 financial 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” at the
23 end;

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 acts necessary to carry out the
14 purposes of the Foundation.”; and

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

17 “(2) TREATMENT OF REAL PROPERTY.—

18 “(A) IN GENERAL.—For purposes of this
19 Act, an interest in real property shall be treated
20 as including easements or other rights for pres-
21 ervation, conservation, protection, or enhance-
22 ment by and for the public of natural, scenic,
23 historic, scientific, educational, inspirational, or
24 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 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
17 10 of the National Fish and Wildlife Foundation Estab-
18 lishment 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 2020 through 2024—

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 are authorized to provide
13 funds to the Foundation through Federal finan-
14 cial assistance grants and cooperative agree-
15 ments, subject to the condition that the
16 amounts are used for purposes that further the
17 conservation and management of fish, wildlife,
18 plants, and other natural resources in accord-
19 ance with this Act.

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

1 “(C) MANAGEMENT FEES.—The Founda-
2 tion may assess and collect fees for the manage-
3 ment of amounts received under this para-
4 graph.”;

5 (B) in paragraph (2)—

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

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

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

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

15 “(3) ADMINISTRATION OF AMOUNTS.—

16 “(A) IN GENERAL.—In entering into con-
17 tracts, agreements, or other partnerships pursu-
18 ant to this Act, a Federal department, agency,
19 or instrumentality shall have discretion to waive
20 any competitive process applicable to the de-
21 partment, agency, or instrumentality for enter-
22 ing into contracts, agreements, or partnerships
23 with the Foundation if the purpose of the waiv-
24 er is—

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

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

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

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

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

1 those Federal departments, agencies, or instrumentalities,
2 subject to the condition that the amounts or property be
3 used for purposes that further the conservation and man-
4 agement of fish, wildlife, plants, and other natural re-
5 sources.”.

6 (d) LIMITATION ON AUTHORITY.—Section 11 of the
7 National Fish and Wildlife Foundation Establishment Act
8 (16 U.S.C. 3710) is amended by inserting “exclusive” be-
9 fore “authority”.

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