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REPORT
110–552

NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT AMENDMENT OF 2007

MARCH 31, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 3891]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3891) to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 3891 is to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation.

BACKGROUND AND NEED FOR LEGISLATION

The National Fish and Wildlife Foundation (Foundation) was established by Congress in 1984. The Foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States. The purposes of the Foundation are—

(1) to encourage, accept, and administer private gifts for the benefit of, or in connection with, the activities and services of the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration, to further the conservation and management of fish, wildlife, plants, and other natural resources;

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(2) to undertake and conduct such other activities as will further the conservation and management of fish, wildlife, and plant resources of the United States, and its territories and possessions, for present and future generations of Americans; and

(3) to participate with, and otherwise assist, foreign governments, entities, and individuals in undertaking and conducting activities that will further the conservation and management of the fish, wildlife and plant resources of other countries.

The Foundation receives federal funds through appropriations and directly from federal agencies for the purposes of administering conservation programs. All appropriated monies received must be matched by private dollars on at least a one-to-one basis, thereby leveraging the impact of federal funds. In addition, appropriated funds may not be used for the administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses. While the Foundation and its conservation programs have grown dramatically since it was established, and fund-raising for conservation programs has also grown, it is more difficult to raise money for the administrative expenses of the Foundation which have also increased. Expanding the size of the Board of Directors should improve the ability of the Foundation to raise private funds to cover its administrative expenses and improve the implementation of its conservation programs.

COMMITTEE ACTION

H.R. 3891 was introduced on October 18, 2007, by Henry E. Brown, Jr. (R–SC). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife and Oceans. On February 13, 2008, the Subcommittee met to mark up the bill. It was adopted by unanimous consent without amendment. The bill was then forwarded to the Full Committee. On March 12, 2008 the Full Natural Resources Committee met to consider the bill. The bill was ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 cites the Act as the "National Fish and Wildlife Foundation Establishment Act Amendment of 2007."

Section 2. Board of Directors of the Foundation

Section 2 amends section 3(a) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(a)) by increasing the appointed number of Directors on the Foundation's governing Board of Directors to 30.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 3891—National Fish and Wildlife Foundation Establishment Act Amendments of 2007

H.R. 3891 would amend the National Fish and Wildlife Foundation Establishment Act to increase the number of members on the Foundation's board of directors from 25 to 30. CBO estimates that implementing H.R. 3891 would have no effect on the federal budget. The National Fish and Wildlife Foundation is a nonprofit entity chartered by the federal government.

H.R. 3891 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 3891 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any state, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT

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SEC. 3. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—

[(1) IN GENERAL.—The Foundation shall have a governing Board of Directors (referred to in this Act as the "Board"), which shall consist of 25 Directors appointed in accordance with subsection (b), each of whom shall be a United States citizen.]

(1) IN GENERAL.—The Foundation shall have a governing Board of Directors (referred to in this Act as the "Board"), which shall consist of 30 Directors appointed in accordance with subsection (b), each of whom shall be a United States citizen.

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