GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE
Washington, D.C. 20230

July 6, 2000

The Honorable Don Young
Chairman, Committee on Resources
U.S. House of Representatives
Washington, D.C. 20515-6201

Dear Mr. Chairman:

This letter sets forth the views of the Department of Commerce on S. 1653, the "National Fish and Wildlife Foundation Establishment Act Amendments of 2000", referred to the House of Representatives, Committee on Resources. The Department strongly supports S. 1653. This legislation will serve to improve the successful partnership that the National Fish and Wildlife Foundation (NFWF) has presently with the Department of the Interior's Fish and Wildlife Service and the Department of Commerce's National Oceanic and Atmospheric Administration.

S. 1653 would augment not only the funding available to undertake the successful, on-the-ground coastal and marine habitat projects that the Department and NFWF have worked on together but would also open the partnership to include other agencies within each Department and expand the expertise on the Board of Directors (Board) to reflect the wide variety of issues with which the Foundation deals. However, there are a few technical changes and clarifications that could be made to the bill that would further improve it and these comments follow.

In order to ensure that vacancies are filled by the same procedures that the rest of the Board are filled by, the Department recommends the Section 3(b)(4)(A) be changed to read "The Secretary of the Interior, in consultation with the Secretary of Commerce, shall fill a vacancy on the Board."

The terms "Directors of the Foundation," "Directors of the Board," and "Executive Committee" as used throughout the bill need to be clarified and should be added, or clarified as needed, to a definitions section. It is not clear presently the difference between the terms. In addition, the bill should be clear that the Secretary of the Interior and the Under Secretary for Oceans and Atmosphere should serve only as ex officio members of any board for the Foundation in order to avoid increased potential liability of the government for the Board's actions.

In Section 10 on funding, the matching ratio required could, as presently written, be constraining. One of the greatest accomplishments of the National Fish and Wildlife Foundation has been its ability to raise matching funds and leverage Federal dollars at a higher level, often matching the Federal money on a two-to-one ratio. In order to prevent possible constraints on NFWF in their efforts, the Department would recommend that Section 10(a)(3) lines 16-17 be changed to read "shall be provided to the Foundation for use for matching, in whole or in part on at least a 1-to-1

basis," to ensure that the Foundation is able to use the money provided through Commerce and Interior to leverage even more funds if available.

The Office of Management and Budget has advised the Department that there is no objection to the submission of this letter to the Congress from the standpoint of the Administration's program.

Sincerely,

Andrew J. Pineus

cc: The Honorable George Miller
The Honorable Jim Saxton
The Honorable Eni F. H. Faleomavaega