

cal year 2000 to the Pacific Coastal tribes (as defined by the Secretary of Commerce) and \$2,000,000 in fiscal year 2000 to the Columbia River tribes (as defined by the Secretary of Commerce).

Funds appropriated to the States under the authority of this section shall be subject to a 25 percent non-Federal match requirement. In addition, not more than 3 percent of such funds shall be available for administrative expenses, with the exception of funds used in the Washington State for the Forest and Fish Agreement.

(Pub. L. 106-113, div. B, §1000(a)(1) [title VI, §623], Nov. 29, 1999, 113 Stat. 1535, 1501A-56.)

#### REFERENCES IN TEXT

Public Law 93-205, referred to in subsec. (b)(1)(B)(iii), (3), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, known as the Endangered Species Act of 1973, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000, and not as part of the Pacific Salmon Treaty Act of 1985 which comprises this chapter.

Section is comprised of section 1000(a)(1) [title VI, §623] of div. B of Pub. L. 106-113. Subsec. (c) of section 1000(a)(1) [title VI, §623] of div. B of Pub. L. 106-113 amended section 3632 of this title.

### CHAPTER 57—NATIONAL FISH AND WILDLIFE FOUNDATION

- |       |   |
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| Sec.  |   |
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### § 3701. Establishment and purposes of Foundation

#### (a) Establishment

There is established the National Fish and Wildlife Foundation (hereinafter in this chapter referred to as the "Foundation"). The Foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States.

#### (b) Purposes

The purposes of the Foundation are—

(1) to encourage, accept, and administer private gifts of property 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;

(2) to undertake and conduct such other activities as will further the conservation and management of the 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.

(Pub. L. 98-244, §2, Mar. 26, 1984, 98 Stat. 107; Pub. L. 100-240, §1(a), Jan. 11, 1988, 101 Stat. 1785; Pub. L. 103-232, title I, §102, Apr. 11, 1994, 108 Stat. 336.)

#### AMENDMENTS

1994—Subsec. (b)(1). Pub. L. 103-232 inserted before semicolon at end "and the National Oceanic and Atmospheric Administration".

1988—Subsec. (b)(3). Pub. L. 100-240 added par. (3).

#### SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-277, div. A, §101(b) [title IX, §901], Oct. 21, 1998, 112 Stat. 2681-50, 2681-119, provided that: "This title [amending section 3703 of this title and enacting provisions set out as a note under section 3703 of this title] may be cited as the 'National Whale Conservation Fund Act of 1998'."

#### SHORT TITLE OF 1994 AMENDMENT

Section 101 of title I of Pub. L. 103-232 provided that: "This title [amending this section and sections 3702 and 3709 of this title and enacting provisions listed in a table of National Environmental Centers set out under section 668dd of this title and provisions set out as notes under section 3702 of this title] may be cited as the 'National Fish and Wildlife Foundation Improvement Act of 1994'."

#### SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-593, title I, §110(a), Nov. 16, 1990, 104 Stat. 2959, provided that: "This section [amending sections 3702 and 3709 of this title] may be cited as the 'National Fish and Wildlife Foundation Establishment Act Amendments of 1990'."

#### SHORT TITLE

Section 1 of Pub. L. 98-244 provided that: "This Act [enacting this chapter] may be cited as the 'National Fish and Wildlife Foundation Establishment Act'."

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3703, 3706, 3743 of this title.

## § 3702. Board of Directors of Foundation

### (a) Establishment and membership

The Foundation shall have a governing Board of Directors (hereinafter referred to in this chapter as the “Board”), which shall consist of 15 Directors, each of whom shall be a United States citizen and—

(1) six of whom must be knowledgeable or experienced in fish and wildlife conservation; and

(2) 4 of whom must be educated and experienced in the principles of fish and wildlife management.

The membership of the Board, to the extent practicable, shall represent diverse points of view relating to fish and wildlife conservation. The Director of the United States Fish and Wildlife Service shall be an ex officio nonvoting member of the Board. Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

### (b) Appointment and terms

By December 31, 1984, the Secretary of the Interior (hereinafter referred to in this chapter as the “Secretary”) shall appoint the Directors of the Board. The Directors shall be appointed for terms of six years; except that the Secretary, in making the initial appointments to the Board, shall appoint three Directors to a term of two years, three Directors to a term of four years, and three Directors to a term of six years. A vacancy on the Board shall be filled within sixty days of said vacancy in the manner in which the original appointment was made. No individual may serve more than two consecutive terms as a Director. The Secretary of the Interior shall consult with the Under Secretary of Commerce for Oceans and Atmosphere before appointing any Director of the Board.

### (c) Chairman

The Chairman shall be elected by the Board from its members for a two-year term.

### (d) Quorum

A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

### (e) Meetings

The Board shall meet at the call of the Chairman at least once a year. If a Director misses three consecutive regularly scheduled meetings, that individual may be removed from the Board and that vacancy filled in accordance with subsection (b) of this section.

### (f) Reimbursement of expenses

Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Foundation.

### (g) General powers

(1) The Board may complete the organization of the Foundation by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provisions of this chapter; and

(C) undertaking of other such acts as may be necessary to carry out the provisions of this chapter.

(2) The following limitations apply with respect to the appointment of officers and employees of the Foundation:

(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers and employees of the Foundation shall be appointed without regard to the provisions of title 5 governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(B) The first officer or employee appointed by the Board shall be the Secretary of the Board who (i) shall serve, at the direction of the Board, as its chief operating officer, and (ii) shall be knowledgeable and experienced in matters relating to fish and wildlife conservation.

(Pub. L. 98-244, §3, Mar. 26, 1984, 98 Stat. 107; Pub. L. 101-593, title I, §110(b), Nov. 16, 1990, 104 Stat. 2959; Pub. L. 103-232, title I, §103(a)(1), (b), Apr. 11, 1994, 108 Stat. 336.)

#### REFERENCES IN TEXT

Provisions of title 5 governing appointments in competitive service, referred to in subsec. (g)(2)(A), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

#### AMENDMENTS

1994—Subsec. (a). Pub. L. 103-232, §103(b), substituted “15 Directors” for “nine Directors” in introductory provisions and “4” for “three” in par. (2).

Subsec. (b). Pub. L. 103-232, §103(a)(1), inserted at end “The Secretary of the Interior shall consult with the Under Secretary of Commerce for Oceans and Atmosphere before appointing any Director of the Board.”

1990—Subsec. (g)(2)(A). Pub. L. 101-593 struck out “, except that no individual so appointed may receive pay in excess of the annual rate of basic pay in effect for grade GS-18 of the General Schedule” after “General Schedule pay rates”.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Section 103(a)(2) of Pub. L. 103-232 provided that: “The amendment made by paragraph (1) [amending this section] shall apply to appointments of Directors of the Board of Directors of the National Fish and Wildlife Foundation made after the date of the enactment of this Act [Apr. 11, 1994].”

#### INITIAL TERMS OF SIX NEW DIRECTORS

Section 103(c) of Pub. L. 103-232 provided that: “Of the Directors on the Board of Directors of the National Fish and Wildlife Foundation first appointed pursuant to the amendment made by subsection (b)(1) [amending this section], notwithstanding the second sentence of section 3(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(b))—

“(1) 2 shall be appointed to a term of 2 years;

“(2) 2 shall be appointed to a term of 4 years; and

“(3) 2 shall be appointed to a term of 6 years;

as specified by the Secretary of the Interior at the time of appointment.”

#### COMPLETION OF APPOINTMENTS

Section 103(d) of Pub. L. 103-232 provided that: “The Secretary of the Interior shall appoint the additional members of the Board of Directors of the National Fish

and Wildlife Foundation authorized by the amendment made by subsection (a) [(b)] [amending this section], by not later than 60 days after the date of the enactment of this Act [Apr. 11, 1994].”

**AUTHORITY OF BOARD NOT AFFECTED**

Section 103(e) of Pub. L. 103-232 provided that: “The authority of the Board of Directors of the National Fish and Wildlife Foundation to take any action otherwise authorized by law shall not be affected by reason of the Secretary of the Interior not having completed the appointment of Directors of the Board of Directors of the National Fish and Wildlife Foundation pursuant to the amendment made by subsection (b)(1) [amending this section].”

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 3704, 4403 of this title.

**§ 3703. Rights and obligations of Foundation**

**(a) In general**

The Foundation—

- (1) shall have perpetual succession;
- (2) may conduct business throughout the several States, territories, and possessions of the United States and abroad;
- (3) shall have its principal offices in the District of Columbia; and
- (4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

The serving of notice to, or service of process upon, the agent required under paragraph (4), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

**(b) Seal**

The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

**(c) Powers**

To carry out its purposes under section 3701 of this title, the Foundation shall have, in addition to the powers otherwise given it under this chapter, the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

- (1) to accept, receive, solicit, hold, administer and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;
- (2) to acquire by purchase or exchange any real or personal property or interest therein, subject to subsection (e) of this section;
- (3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain or otherwise dispose of any property or income therefrom;
- (4) to borrow money and issue bonds, debentures, or other debt instruments;
- (5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the Directors of the Board shall not be personally liable, except for gross negligence;
- (6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such pay-

ments as may be necessary to carry out its function; and

(7) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

For purposes of this chapter, an interest in real property shall be treated as including, among other things, easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of the Foundation.

**(d) Certain lands, waters, and interests not subject to condemnation**

No lands or waters, or interests therein, that are owned by the Foundation and are determined by the Director of the United States Fish and Wildlife Service or the Migratory Bird Conservation Commission, as the case may be, to be valuable for purposes of fish and wildlife conservation or management shall be subject to condemnation by any State or political subdivision, or any agent or instrumentality thereof.

**(e) Acquisition, management, and disposal of real property**

(1) The Foundation may only use Federal funds for the acquisition of interests in real property if—

- (A) the interest is a long-term property interest, and
- (B) the Director of the United States Fish and Wildlife Service (hereafter in this subsection referred to as the “Director”) consents to the acquisition in writing.

(2) The Foundation shall convey to the United States Fish and Wildlife Service for inclusion within the National Wildlife Refuge System any real property acquired by the Foundation in whole or in part with Federal funds if the Director, within one year after the date on which the property was acquired by the Foundation, requests the conveyance in writing.

(3)(A) Subject to subparagraph (B), the Foundation may—

- (i) convey to another person any real property acquired in whole or in part with Federal funds and not conveyed under paragraph (2); and
- (ii) grant or otherwise provide Federal funds to another person for purposes of assisting that person to acquire real property in whole or in part with such funds.

(B) The Foundation may only make a conveyance or provide Federal funds under subparagraph (A) if—

- (i) the conveyance or provision is subject to terms and conditions that will ensure that the real property will be administered for the long-term conservation and management of fish and wildlife and in a manner that will provide for appropriate public access and use; and
- (ii) the Director finds that conveyance or provision of Federal funds meets the require-

ments of clause (i) and consents to it in writing.

(4) All real property acquired by the Foundation in whole or in part with Federal funds and held by it shall be administered for the conservation and management of fish and wildlife and in a manner that will provide for appropriate public access and use.

(5) The Foundation shall convey at not less than fair-market value any real property acquired by it in whole or in part with Federal funds if the Foundation and the Director determine, in writing, that—

(A) the land is no longer valuable for the purposes of fish and wildlife conservation or management, and

(B) the purposes of the Foundation would be better served by the use of the Federal funds for other authorized activities of the Foundation.

**(f) Establishment of national whale conservation endowment fund**

(1) In carrying out the purposes under section 3701(b) of this title, the Foundation may establish a national whale conservation endowment fund, to be used by the Foundation to support research, management activities, or educational programs that contribute to the protection, conservation, or recovery of whale populations in waters of the United States.

(2)(A) In a manner consistent with subsection (c)(1) of this section, the Foundation may—

(i) accept, receive, solicit, hold, administer, and use any gift, devise, or bequest made to the Foundation for the express purpose of supporting whale conservation; and

(ii) deposit in the endowment fund under paragraph (1) any funds made available to the Foundation under this subparagraph, including any income or interest earned from a gift, devise, or bequest received by the Foundation under this subparagraph.

(B) To raise funds to be deposited in the endowment fund under paragraph (1), the Foundation may enter into appropriate arrangements to provide for the design, copyright, production, marketing, or licensing, of logos, seals, decals, stamps, or any other item that the Foundation determines to be appropriate.

(C)(i) The Secretary of Commerce may transfer to the Foundation for deposit in the endowment fund under paragraph (1) any amount (or portion thereof) received by the Secretary under section 1375(a)(1) of this title as a civil penalty assessed by the Secretary under that section.

(ii) The Directors of the Board shall ensure that any amounts transferred to the Foundation under clause (i) for the endowment fund under paragraph (1) are deposited in that fund in accordance with this subparagraph.

(3) It is the intent of Congress that in making expenditures from the endowment fund under paragraph (1) to carry out activities specified in that paragraph, the Foundation should give priority to funding projects that address the conservation of populations of whales that the Foundation determines—

(A) are the most endangered (including the northern right whale (*Eubaleana glacialis*)); or

(B) most warrant, and are most likely to benefit from, research management, or educational activities that may be funded with amounts made available from the fund.

**(g) Consultation**

In carrying out any action on the part of the Foundation under subsection (f) of this section, the Directors of the Board shall consult with the Administrator of the National Oceanic and Atmospheric Administration and the Marine Mammal Commission.

(Pub. L. 98-244, §4, Mar. 26, 1984, 98 Stat. 108; Pub. L. 100-240, §§1(b), 2(a), (b)(1), Jan. 11, 1988, 101 Stat. 1785, 1786; Pub. L. 105-277, div. A, §101(b) [title IX, §903], Oct. 21, 1998, 112 Stat. 2681-50, 2681-120.)

AMENDMENTS

1998—Subsecs. (f), (g). Pub. L. 105-277 added subsecs. (f) and (g).

1988—Subsec. (a)(2). Pub. L. 100-240, §1(b), inserted “and abroad” after “United States”.

Subsec. (c)(2). Pub. L. 100-240, §2(b), inserted “, subject to subsection (e) of this section” after “therein”.

Subsec. (e). Pub. L. 100-240, §2(a), added subsec. (e).

CONGRESSIONAL FINDINGS—NATIONAL WHALE CONSERVATION

Pub. L. 105-277, div. A, §101(b) [title IX, §902], Oct. 21, 1998, 112 Stat. 2681-50, 2681-119, provided that: “Congress finds that—

“(1) the populations of whales that occur in waters of the United States are resources of substantial ecological, scientific, socioeconomic, and esthetic value;

“(2) whale populations—

“(A) form a significant component of marine ecosystems;

“(B) are the subject of intense research;

“(C) provide for a multimillion dollar whale watching tourist industry that provides the public an opportunity to enjoy and learn about great whales and the ecosystems of which the whales are a part; and

“(D) are of importance to Native Americans for cultural and subsistence purposes;

“(3) whale populations are in various stages of recovery, and some whale populations, such as the northern right whale (*Eubaleana glacialis*) remain perilously close to extinction;

“(4) the interactions that occur between ship traffic, commercial fishing, whale watching vessels, and other recreational vessels and whale populations may affect whale populations adversely;

“(5) the exploration and development of oil, gas, and hard mineral resources, marine debris, chemical pollutants, noise, and other anthropogenic sources of change in the habitat of whales may affect whale populations adversely;

“(6) the conservation of whale populations is subject to difficult challenges related to—

“(A) the migration of whale populations across international boundaries;

“(B) the size of individual whales, as that size precludes certain conservation research procedures that may be used for other animal species, such as captive research and breeding;

“(C) the low reproductive rates of whales that require long-term conservation programs to ensure recovery of whale populations; and

“(D) the occurrence of whale populations in offshore waters where undertaking research, monitoring, and conservation measures is difficult and costly;

“(7)(A) the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric

Administration, has research and regulatory responsibility for the conservation of whales under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.); and

“(B) the heads of other Federal agencies and the Marine Mammal Commission established under section 201 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1401) have related research and management activities under the Marine Mammal Protection Act of 1972 or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

“(8) the funding available for the activities described in paragraph (8) [(7)] is insufficient to support all necessary whale conservation and recovery activities; and

“(9) there is a need to facilitate the use of funds from non-Federal sources to carry out the conservation of whales.”

DRAW DOWN OF FEDERAL FUNDS; EXEMPTION FROM  
AUDIT REQUIREMENTS

Pub. L. 102-440, title III, §304, Oct. 23, 1992, 106 Stat. 2235, provided that: “Beginning in fiscal year 1993 and hereafter, the National Fish and Wildlife Foundation may continue to draw down Federal funds when matching requirements have been met: *Provided*, That interest earned by the Foundation and its subgrantees on funds drawn down to date, but not immediately disbursed, shall be used to fund all activities as approved by the Board of Directors: *Provided further*, That the Foundation’s subgrantees shall be exempt from the audit reporting and compliance requirements of OMB Circular A-133, for all grants of \$100,000 or less. The Foundation shall amend its grant contracts to ensure that its subgrantees are advised and certify that they will comply with all applicable Federal laws and regulations imposed on individuals or organizations receiving Federal funds.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3706 of this title.

**§ 3704. Administrative services and support**

**(a) Provision of services**

The Secretary may provide personnel, facilities, and other administrative services to the Foundation, including reimbursement of expenses under section 3702 of this title, not to exceed then current Federal Government per diem rates, for a period of up to five years from March 26, 1984.

**(b) Reimbursement**

The Foundation may reimburse the Secretary for any administrative service provided under subsection (a) of this section. The Secretary shall deposit any reimbursement received under this subsection into the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

Notwithstanding any other provision of this section, the Secretary of the Interior is authorized to continue to provide facilities, and necessary support services for such facilities, to the National Fish and Wildlife Foundation after March 26, 1989, on a space available, reimbursable cost basis.

(Pub. L. 98-244, §5, Mar. 26, 1984, 98 Stat. 109; Pub. L. 100-240, §3, Jan. 11, 1988, 101 Stat. 1786; Pub. L. 100-653, title IX, §903, Nov. 14, 1988, 102 Stat. 3834.)

AMENDMENTS

1988—Pub. L. 100-653 inserted provision at end authorizing Secretary of the Interior to continue to provide

facilities and necessary support services to National Fish and Wildlife Foundation after Mar. 26, 1989, on space available, reimbursable cost basis.

Pub. L. 100-240 designated existing provisions as subsec. (a), inserted heading, and struck out “, and may accept reimbursement therefor, to be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services” after “March 26, 1984”, and added subsec. (b).

**§ 3705. Volunteer status**

The Secretary may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and the officers and employees of the Board, without compensation from the Department of the Interior, as volunteers in the performance of the functions authorized herein, in the manner provided for under section 742f(c) of this title.

(Pub. L. 98-244, §6, Mar. 26, 1984, 98 Stat. 109.)

REFERENCES IN TEXT

The civil service classification laws, referred to in text, are set forth in chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees.

**§ 3706. Audits, report requirements, and petition of Attorney General for equitable relief**

**(a) Audits**

For purposes of section 10101 of title 36, the Foundation shall be treated as a Corporation in part B of subtitle II of title 36.

**(b) Report**

The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments; and a description of all acquisition and disposal of real property that is subject to section 3703(e) of this title.

**(c) Relief with respect to certain Foundation acts or failure to act**

If the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with its purposes set forth in section 3701(b) of this title; or

(2) refuses, fails, or neglects to discharge its obligations under this chapter, or threatens to do so;

the Attorney General of the United States may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

(Pub. L. 98-244, §7, Mar. 26, 1984, 98 Stat. 110; Pub. L. 100-240, §2(b)(2), Jan. 11, 1988, 101 Stat. 1786.)

CODIFICATION

In subsec. (a), “section 10101 of title 36” substituted for “the Act entitled ‘An Act for audit of accounts of private corporations established under Federal law’, approved August 30, 1964 (Public Law 88-504, 36 U.S.C. 1101-1103)” and “a corporation in part B of subtitle II of title 36” substituted for “a private corporation established under Federal law” on authority of Pub. L. 105-225, §5(b), Aug. 12, 1998, 112 Stat. 1499, the first sec-

tion of which enacted Title 36, Patriotic and National Observances, Ceremonies, and Organizations.

#### AMENDMENTS

1988—Subsec. (b), Pub. L. 100-240 inserted “; and a description of all acquisition and disposal of real property that is subject to section 3703(e) of this title” before period at end.

#### § 3707. United States release from liability

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligation of the Foundation.

(Pub. L. 98-244, § 8, Mar. 26, 1984, 98 Stat. 110.)

#### § 3708. Reservation of right to amend or repeal chapter

The Congress expressly reserves the right to repeal or amend this chapter at any time.

(Pub. L. 98-244, § 9, Mar. 26, 1984, 98 Stat. 110.)

#### § 3709. Authorization of appropriations

##### (a) Authorization

There are authorized to be appropriated to the Department of the Interior \$25,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

##### (b) Use of amounts appropriated

(1) Subject to paragraph (2), amounts appropriated under this section shall be made available to the Foundation for use for matching, in whole or in part, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

(2) No Federal funds authorized under this section shall be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

##### (c) Additional authorization

The amounts authorized to be appropriated under this section are in addition to any amounts provided or available to the Foundation under any other Federal law.

(Pub. L. 98-244, § 10, Mar. 26, 1984, 98 Stat. 110; Pub. L. 100-240, § 4, Jan. 11, 1988, 101 Stat. 1786; Pub. L. 101-593, title I, § 110(c), Nov. 16, 1990, 104 Stat. 2960; Pub. L. 103-232, title I, § 104, Apr. 11, 1994, 108 Stat. 337.)

#### AMENDMENTS

1994—Subsec. (a), Pub. L. 103-232, § 104(a)(1), substituted “\$25,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998” for “not to exceed \$15,000,000 for fiscal year 1991, not to exceed \$20,000,000 for fiscal year 1992, and not to exceed \$25,000,000 for fiscal year 1993”.

Subsec. (b), Pub. L. 103-232, § 104(b), substituted “paragraph (2)” for “paragraphs (2) and (3)”.

Subsec. (c), Pub. L. 103-232, § 104(a)(2), added subsec. (c).

1990—Pub. L. 101-593 amended section generally. Prior to amendment, section read as follows: “There are authorized to be appropriated to the Department of the Interior for each of fiscal years 1988 through 1993, inclusive, not to exceed \$5,000,000 to be made available to the Foundation—

“(1) to match partially or wholly the amount or value of contributions (whether in currency, services,

or property) made to the Foundation by private persons and State and local government agencies; and

“(2) to provide administrative services under section 3704 of this title.”

1988—Pub. L. 100-240 amended section generally. Prior to amendment, section read as follows: “For the ten-year period beginning on October 1, 1984, there are authorized to be appropriated to the Department of the Interior not to exceed \$1,000,000 to be made available to the Foundation—

“(1) to match, on a one-for-one basis, private contributions made to the Foundation; and

“(2) to provide administrative services under section 3704 of this title.”

#### CHAPTER 57A—PARTNERSHIPS FOR WILDLIFE

Sec.	
3741.	Findings.
3742.	Purposes.
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3744.	Wildlife partnership program.
	(a) In general.
	(b) Eligible projects.
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	(e) Non-Federal share of projects.
	(f) Eligibility of designated State agencies.
	(g) Establishment of Fund.
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#### § 3741. Findings

The Congress finds the following:

(1) Three-fourths of all American children and adults participate in wildlife-related recreational activities other than hunting, fishing and trapping.

(2) In 1985, Americans spent over \$14 billion on non-consumptive wildlife-related recreation.

(3) The United States and Canada are inhabited by approximately two thousand six hundred vertebrate species of native fish and wildlife, which have provided food, clothing, and other essentials to a rapidly expanding human population.

(4) Over 80 percent of vertebrate fish and wildlife species in North America are not harvested for human use.

(5) The continued well-being of this once-abundant fish and wildlife resource, and even the very existence of many species, is in peril.

(6) In 1967, the United States Fish and Wildlife Service reported that forty-five common migratory bird species, which are not hunted, had exhibited significant declines in abundance, and that thirteen of these species have experienced widespread, systematic declines of 46.9 percent during a twenty-year study period.

(7) There have been nationwide declines in frogs and other amphibians.

(8) Over two hundred and seventy-five of vertebrate fish and wildlife species in the United States are now officially classified as threatened or endangered by the Federal Government.

(9) During the past decade, fish and wildlife species, including invertebrates, were added to the rapidly growing list of threatened and endangered species in North America at the average rate of over one per month.