

any salmonid species listed under Public Law 93-205, as amended, before the Secretary of Commerce may initiate or reinstate consultation on Alaska fisheries under such Act.

(4) During the term of the 1999 Pacific Salmon Treaty Agreement, the Secretary of Commerce may not initiate or reinstate consultation on Alaska fisheries under section 7 of Public Law 93-205, as amended [16 U.S.C. 1536], until—

(A) the Pacific Salmon Commission has had a reasonable opportunity to implement the provisions of the 1999 Pacific Salmon Treaty Agreement, including the harvest responses pursuant to paragraph 9, chapter 3 of Annex IV to the Pacific Salmon Treaty; and

(B) he determines, in consultation with the United States Section of the Pacific Salmon Commission, that implementation actions under the 1999 Agreement will not return escapements as expeditiously as possible to maximum sustainable yield or other biologically-based escapement objectives agreed to by the Pacific Salmon Commission.

(5) The Secretary of Commerce shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives of his intent to initiate or reinstate consultation on Alaska fisheries.

(6)(A) For purposes of this section, “Alaska fisheries” means all directed Pacific salmon fisheries off the coast of Alaska that are subject to the Pacific Salmon Treaty.

(B) For purposes of this section, “Southern United States fisheries” means all directed Pacific salmon fisheries in Washington, Oregon, and the Snake River basin of Idaho that are subject to the Pacific Salmon Treaty.

(c) Omitted

(d) Authorization of appropriations

(1) Pacific Salmon Treaty

(A) For capitalizing the Northern Fund there is authorized to be appropriated in fiscal years 2000, 2001, 2002, and 2003 a total of \$75,000,000.

(B) For capitalizing the Southern Fund there is authorized to be appropriated in fiscal years 2000, 2001, 2002, and 2003 a total of \$65,000,000.

(C) To provide economic adjustment assistance to fishermen pursuant to the 1999 Pacific Salmon Treaty Agreement, there is authorized to be appropriated in fiscal years 2000, 2001, and 2002 a total of \$30,000,000.

(2) Pacific coastal salmon recovery

(A) For salmon habitat restoration, salmon stock enhancement, and salmon research, including the construction of salmon research and related facilities, there is authorized to be appropriated for each of fiscal years 2000, 2001, 2002, and 2003, \$90,000,000 to the States of Alaska, Washington, Oregon, and California. Amounts appropriated pursuant to this subparagraph shall be made available as direct payments. The State of Alaska may allocate a portion of any funds it receives under this subsection to eligible activities outside Alaska.

(B) For salmon habitat restoration, salmon stock enhancement, salmon research, and sup-

plementation activities, there is authorized to be appropriated in each of fiscal years 2000, 2001, 2002, and 2003, \$10,000,000 to be divided between the Pacific Coastal tribes (as defined by the Secretary of Commerce) and the Columbia River tribes (as defined by the Secretary of Commerce).

(Pub. L. 106-113, div. B, §1000(a)(1) [title VI, §623], Nov. 29, 1999, 113 Stat. 1535, 1501A-56; Pub. L. 106-553, §1(a)(2) [title VI, §628], Dec. 21, 2000, 114 Stat. 2762, 2762A-108.)

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

AMENDMENTS

2000—Subsec. (a)(1). Pub. L. 106-553, §1(a)(2) [title VI, §628(a)], which directed the amendment of par. (1) by striking out “The Northern Fund and Southern Fund shall each receive \$10,000,000 of the amounts authorized by this section.”, was executed by striking out “The Northern Fund and Southern Fund shall each receive \$10,000,000, of the amounts authorized by this section.” after the second sentence, to reflect the probable intent of Congress.

Subsec. (d). Pub. L. 106-553, §1(a)(2) [title VI, §628(b)], added subsec. (d) and struck out heading and text of former subsec. (d). Text read as follows:

“(1) For capitalizing the Northern Fund and the Southern Fund, there is authorized to be appropriated in fiscal year 2000, \$20,000,000.

“(2) For salmon habitat restoration, salmon stock enhancement, salmon research, and implementation of the 1999 Pacific Salmon Treaty Agreement and related agreements, there is authorized to be appropriated in fiscal year 2000, \$50,000,000 to the States of California, Oregon, Washington, and Alaska. The State of Alaska may allocate a portion of any funds it receives under this subsection to eligible activities outside Alaska.

“(3) For salmon habitat restoration, salmon stock enhancement, salmon research, and implementation of the 1999 Pacific Salmon Treaty Agreement and related agreements, there is authorized to be appropriated \$6,000,000 in fiscal 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.”

CHAPTER 57—NATIONAL FISH AND WILDLIFE FOUNDATION

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, to further the conservation and management of fish, wildlife, plants, and other natural resources;
- (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; Pub. L. 106-408, title II, §202, Nov. 1, 2000, 114 Stat. 1777.)

AMENDMENTS

2000—Subsec. (b)(1). Pub. L. 106-408 added par. (1) and struck out former par. (1) which read as follows: "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;"

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 2000 AMENDMENT

Pub. L. 106-408, title II, §201, Nov. 1, 2000, 114 Stat. 1777, provided that: "This title [enacting section 3710 of this title, amending this section and sections 3702, 3703, 3705, 3706, and 3709 of this title, and repealing provisions set out as a note under section 3703 of this title] may be cited as the 'National Fish and Wildlife Foundation Establishment Act Amendments of 2000'."

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

(1) In general

The Foundation shall have a governing Board of Directors (referred to in this chapter as the "Board"), which shall consist of 25 Directors appointed in accordance with subsection (b) of this section, each of whom shall be a United States citizen.

(2) Representation of diverse points of view

To the maximum extent practicable, the membership of the Board shall represent di-