

“(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, which provided that the National Fish and Wildlife Foundation could continue to draw down Federal funds when matching requirements had been met, that interest earned on funds already drawn down was to be used to fund all activities as approved by the Board of Directors, and that Foundation subgrantees would be exempt from the audit reporting and compliance requirements of OMB Circular A-133, for all grants of \$100,000 or less, was repealed by Pub. L. 106-408, title II, §204(d), Nov. 1, 2000, 114 Stat. 1779.

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 of the Interior or the Secretary of Commerce 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 or the Department of Commerce, 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; Pub. L. 106-408, title II, §203(c)(2), Nov. 1, 2000, 114 Stat. 1779.)

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.

AMENDMENTS

2000—Pub. L. 106-408 substituted “Secretary of the Interior or the Secretary of Commerce” for “Secretary” and inserted “or the Department of Commerce” after “Department of the Interior”.

§ 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 the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate 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. The report shall include a detailed statement of the recipient, amount, and purpose of each grant made by the Foundation in the fiscal year.

(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; Pub. L. 106-408, title II, §205, Nov. 1, 2000, 114 Stat. 1780.)

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

AMENDMENTS

2000—Subsec. (b). Pub. L. 106-408 substituted “the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate” for “Congress” and inserted at end “The report shall include a detailed statement of the recipient, amount, and purpose of each grant made by the Foundation in the fiscal year.”

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.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which a report required under subsec. (b) of this section is listed on page 203), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

§ 3707. United States release from liability

The United States shall not be liable for any debts, defaults, acts, or omissions of the Founda-

tion 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 of appropriations****(1) In general**

There are authorized to be appropriated to carry out this chapter for each of fiscal years 2001 through 2005—

(A) \$25,000,000 to the Department of the Interior; and

(B) \$5,000,000 to the Department of Commerce.

(2) Requirement of advance payment

The amount made available for a fiscal year under paragraph (1) shall be provided to the Foundation in an advance payment of the entire amount on October 1, or as soon as practicable thereafter, of the fiscal year.

(3) Use of appropriated funds

Subject to paragraph (4), amounts made available under paragraph (1) shall be provided to the Foundation for use for matching, on a 1-to-1 basis, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

(4) Prohibition on use for administrative expenses

No Federal funds made available under paragraph (1) shall be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

(b) Additional authorization**(1) In general**

In addition to the amounts authorized to be appropriated under subsection (a) of this section, the Foundation may accept Federal funds from a Federal agency under any other Federal law for use by the Foundation to further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with the requirements of this chapter.

(2) Use of funds accepted from Federal agencies

Federal funds provided to the Foundation under paragraph (1) shall be used by the Foundation 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.

(c) Prohibition on use of grant amounts for litigation and lobbying expenses

Amounts provided as a grant by the Foundation shall not be used for—