

eries, 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<sup>1</sup> 2003, 2005, 2006, 2007, 2008, and 2009, \$90,000,000 to the States of Alaska, Washington, Oregon, Idaho, Nevada, 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 supplementation 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. 99-5, §16, formerly 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; Pub. L. 108-447, div. B, title II, Dec. 8, 2004, 118 Stat. 2881; renumbered Pub. L. 99-5, §16, and amended Pub. L. 109-479, title III, §302(d), Jan. 12, 2007, 120 Stat. 3623; Pub. L. 111-8, div. B, title I, §110, Mar. 11, 2009, 123 Stat. 569.)

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 is comprised of section 16 of Pub. L. 99-5. Section 16(c) of Pub. L. 99-5 amended section 3632 of this title.

Pub. L. 109-479, §302(d)(1), which directed that the text of section 623 of title VI of H.R. 3421 (113 Stat. 1501A-56), as introduced on November 17, 1999, enacted into law by section 1000(a)(1) of Pub. L. 106-113 and amended by Pub. L. 106-533, 114 Stat. 2762A-108, be transferred to and renumbered as section 16 of the Pacific Salmon Treaty Act, was executed by transferring Pub. L. 106-113, div. B, §1000(a)(1) [title VI, §623], as amended by Pub. L. 106-553, §1(a)(2) [title VI, §628], to and renumbering it as section 16 of Pub. L. 99-5, which is the Pacific Salmon Treaty Act of 1985, to reflect the probable intent of Congress. See source credit above.

AMENDMENTS

2009—Subsec. (d)(2)(A). Pub. L. 111-8, which directed amendment of “Section (d)(2)(A) of title 16 U.S.C. 3645” by inserting “Nevada,” after “Idaho,” was executed by making the amendment to section 16 of Pub. L. 99-5, which is classified to this section, to reflect the probable intent of Congress.

2007—Pub. L. 109-479, §302(d)(1)(B)(ii), inserted section catchline.

Subsec. (d)(2)(A). Pub. L. 109-479, §302(d)(2), inserted “sustainable salmon fisheries,” after “enhancement,” “2005, 2006, 2007, 2008, and 2009,” after “2003,” and “Idaho,” after “Oregon.”

2004—Pub. L. 108-447, which directed the amendment of section 628(2)(A) of the Departments of Commerce,

Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, Pub. L. 106-553, by substituting “2005” for “2000, 2001, 2002, and 2003” and inserting “Idaho,” after “Oregon,” was not executed, because this section was enacted by Pub. L. 106-113, and section 628 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, was an amendatory provision. See 2007 Amendment note above and 2000 Amendment note below.

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.”

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

**CHAPTER 57—NATIONAL FISH AND WILDLIFE FOUNDATION**

Sec.	
3701.	Establishment and purposes of Foundation.
3702.	Board of Directors of Foundation.
3703.	Rights and obligations of Foundation.
3704.	Administrative services and support.
3705.	Volunteer status.
3706.	Audits, report requirements, and petition of Attorney General for equitable relief.
3707.	United States release from liability.
3708.	Reservation of right to amend or repeal chapter.
3709.	Authorization of appropriations.
3710.	Limitation on authority.

**§ 3701. Establishment and purposes of Foundation**

**(a) Establishment**

There is established the National Fish and Wildlife Foundation (hereinafter in this chapter

<sup>1</sup> So in original. The word “and” probably should not appear.

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 2008 AMENDMENT

Pub. L. 110-281, §1, July 21, 2008, 122 Stat. 2617, provided that: “This Act [amending section 3702 of this title] may be cited as the ‘National Fish and Wildlife Foundation Establishment Act Amendment of 2008’.”

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-363, title II, §201, Oct. 17, 2006, 120 Stat. 2075, provided that: “This title [amending sections 3703 and 3709 of this title] may be cited as the ‘National Fish and Wildlife Foundation Reauthorization Act of 2006’.”

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’.”

**§ 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 30 Directors appointed in accordance with subsection (b), 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 diverse points of view relating to conservation and management of fish, wildlife, plants, and other natural resources.

**(3) Not Federal employees**

Appointment as a Director of the Foundation shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law.

**(b) Appointment and terms**

**(1) Agency heads**

The Director of the United States Fish and Wildlife Service and the Under Secretary of Commerce for Oceans and Atmosphere shall be Directors of the Foundation.

**(2) Appointments by the Secretary of the Interior**

**(A) In general**

Subject to subparagraph (B), after consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 23 Directors who meet the criteria established by subsection (a) of this section, of whom—

(i) at least six shall be educated or experienced in fish, wildlife, or other natural resource conservation;

(ii) at least four shall be educated or experienced in the principles of fish, wildlife, or other natural resource management; and

(iii) at least four shall be educated or experienced in ocean and coastal resource conservation.