

expended," after "and such sums" and substituted "heretofore and hereafter" for "in fiscal year 1996 and thereafter".

§ 1474c. North American Wetlands Conservation Fund; availability of fines or forfeitures

In fiscal year 1992 and thereafter, amounts received during the immediately preceding fiscal year under section 707 of title 16 as penalties or fines or from forfeitures of property or collateral, to remain available until expended.

(Pub. L. 103-138, title I, Nov. 11, 1993, 107 Stat. 1384.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1381.
Pub. L. 102-154, title I, Nov. 13, 1991, 105 Stat. 995.

§ 1474d. Environmental Improvement and Restoration Fund

(a) Fund

One half of the amounts awarded by the Supreme Court to the United States in the case of *United States of America v. State of Alaska* (117 S.Ct. 1888) shall be deposited in a fund in the Treasury of the United States to be known as the "Environmental Improvement and Restoration Fund" (referred to in this section as the "Fund").

(b) Investments

(1) In general

The Secretary of the Treasury shall invest amounts in the Fund in interest bearing obligations of the United States.

(2) Acquisition of obligations

For the purpose of investments under paragraph (1), obligations may be acquired—

- (A) on original issue at the issue price; or
- (B) by purchase of outstanding obligations at the market price.

(3) Sale of obligations

Any obligations acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) Credits to Fund

The interest earned from investments of the Fund shall be covered into and form a part of the Fund.

(c) Transfer and availability of amounts earned

Each year, interest earned and covered into the Fund in the previous fiscal year shall be made available as follows:

- (1) To the extent provided in the subsequent appropriations Acts, 80 percent of such amounts shall be made available to be equally divided among the Directors of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Chief of the Forest Service for high priority deferred maintenance and modernization of facilities that directly enhance the experience of visitors, including natural, cultural, recreational, and historic resources protection projects in National Parks, National Wildlife Refuges, and the public lands

respectively as provided in subsection (d) of this section and for payment to the State of Louisiana and its lessees for oil and gas drainage in the West Delta field. The Secretary shall submit with the annual budget submission to Congress a list of high priority maintenance and modernization projects for congressional consideration.

(2) 20 percent of such amounts shall be made available without further appropriation to the Secretary of Commerce for the purpose of carrying out marine research activities in the North Pacific in accordance with subsection (e) of this section.

(d) Projects

A project referred to in subsection (c)(1) of this section shall be consistent with the laws governing the National Park System, the National Wildlife Refuge System, the public lands and Forest Service lands and management plan for such unit.

(e) Marine research activities

(1) Funds available under subsection (c)(2) of this section shall be used by the Secretary of Commerce according to this subsection to provide grants to Federal, State, private or foreign organizations or individuals to conduct research activities on or relating to the fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, and Arctic Ocean (including any lesser related bodies of water).

(2) Research priorities and grant requests shall be reviewed by a board to be known as the North Pacific Research Board (referred to in this subsection as the "Board"). The Board shall seek to avoid duplicating other research activities, and shall place a priority on cooperative research efforts designed to address pressing fishery management or marine ecosystem information needs.

(3) The Board shall be comprised of the following representatives or their designees—

- (A) the Secretary of Commerce;
- (B) the Secretary of State;
- (C) the Secretary of the Interior;
- (D) the Commandant of the Coast Guard;
- (E) the Director of the Office of Naval Research;
- (F) the Alaska Commissioner of Fish and Game;
- (G) the Chairman of the North Pacific Fishery Management Council;
- (H) the Chairman of the Arctic Research Commission;
- (I) the Director of the Oil Spill Recovery Institute;
- (J) the Director of the Alaska SeaLife Center;

(K) five members nominated by the Governor of Alaska and appointed by the Secretary of Commerce, one of whom shall represent fishing interests, one of whom shall represent Alaska Natives, one of whom shall represent environmental interests, one of whom shall represent academia, and one of whom shall represent oil and gas interests;

(L) three members nominated by the Governor of Washington and appointed by the Secretary of Commerce; and¹

¹ So in original. The word "and" probably should not appear.

(M) one member nominated by the Governor of Oregon and appointed by the Secretary of Commerce.²

(N) one member who shall represent fishing interests and shall be nominated by the Board and appointed by the Secretary.

The members of the Board shall be individuals knowledgeable by education, training, or experience regarding fisheries or marine ecosystems in the north Pacific Ocean, Bering Sea, or Arctic Ocean. Three nominations shall be submitted for each member to be appointed under subparagraphs (K), (L), and (M). Board members appointed under subparagraphs (K), (L), and (M) shall serve for three-year terms, and may be reappointed.

(4)(A) The Secretary of Commerce shall review grants recommended by the Board. If the Secretary does not approve a grant recommended by the Board, the Secretary shall explain in writing the reasons for not approving such grant, and the amount recommended to be used for such grant shall be available only for other grants recommended by the Board.

(B) The Board shall establish written criteria for the submission of grant requests through a competitive process and for deciding upon the award of grants. Grants shall be recommended by the Board on the basis of merit in accordance with the priorities established by the Board. The Secretary shall provide the Board such administrative and technical support as is necessary for the effective functioning of the Board. The Board shall be considered an advisory panel established under section 1852(g) of title 16 for the purposes of section 1852(i)(1) of title 16, and the other procedural matters applicable to advisory panels under section 1852(i) of title 16 shall apply to the Board to the extent practicable. Members of the Board may be reimbursed for actual expenses incurred in performance of their duties for the Board. Not more than 15 percent of the funds provided to the Secretary of Commerce under paragraph (1) may be used to provide support for the Board and administer grants under this subsection.

(5) All decisions of the Board, including grant recommendations, shall be by majority vote of the members listed in paragraphs (3)(A), (3)(F), (3)(G), (3)(J), and (3)(N), in consultation with the other members. The five voting members may act on behalf of the Board in all matters of administration, including the disposition of research funds not made available by this section, at any time on or after October 1, 2000.

(Pub. L. 105-83, title IV, §401, Nov. 14, 1997, 111 Stat. 1607; Pub. L. 105-277, div. A, §101(e) [title III, §331], Oct. 21, 1998, 112 Stat. 2681-231, 2681-293; Pub. L. 106-113, div. B, §1000(a)(3) [title III, §352(a)], Nov. 29, 1999, 113 Stat. 1535, 1501A-209; Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(c)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A-239; Pub. L. 108-7, div. F, title III, §334, Feb. 20, 2003, 117 Stat. 277.)

AMENDMENTS

2003—Subsec. (e)(4)(B). Pub. L. 108-7 substituted “15 percent” for “5 percent”.

²So in original. The period probably should be “; and”.

2000—Subsec. (e)(2). Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(c)(2)(A)], struck out “and recommended for Secretarial approval” after “shall be reviewed”.

Subsec. (e)(3)(A). Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(c)(2)(B)], struck out “, who shall be a co-chair of the Board” before semicolon at end.

Subsec. (e)(3)(F). Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(c)(2)(C)], which directed amendment of subpar. (F) by striking out “, who shall be a co-chair of the Board”, was executed by striking out “, who shall also be a co-chair of the Board” before semicolon at end to reflect the probable intent of Congress.

Subsec. (e)(3)(N). Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(c)(2)(G)], which directed amendment of par. (3) by adding subpar. (N) at the end, was executed by adding subpar. (N) after subpar. (M), to reflect the probable intent of Congress.

Subsec. (e)(4)(A). Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(c)(2)(D)], struck out “and administer” after “shall review”.

Subsec. (e)(4)(B). Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(c)(2)(E)], struck out “Grant recommendations and other decisions of the Board shall be by majority vote, with each member having one vote.” after “(B)”.

Subsec. (e)(5). Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(c)(2)(F)], added par. (5).

1999—Subsec. (c). Pub. L. 106-113, §1000(a)(3) [title III, §352(a)(1)], substituted “made available” for “available for appropriation, to the extent provided in the subsequent appropriations Acts,” in introductory provisions, inserted “To the extent provided in the subsequent appropriations Acts.” before “80 percent of such amounts” in par. (1), and “without further appropriation” after “20 percent of such amounts shall be made available” in par. (2).

Subsec. (f). Pub. L. 106-113, §1000(a)(3) [title III, §352(a)(2)], struck out heading and text of subsec. (f). Text read as follows: “If amounts are not assumed by the concurrent budget resolution and appropriated from the Fund by December 15, 1999, the Fund shall terminate and the amounts in the Fund including the accrued interest shall be applied to reduce the Federal deficit.”

1998—Subsec. (f). Pub. L. 105-277 substituted “1999” for “1998”.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1474e. Sums received by the Bureau of Land Management for the sale of seeds

Notwithstanding section 3302(b) of title 31, sums received by the Bureau of Land Management for the sale of seeds or seedlings, may on and after December 8, 2004, be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

(Pub. L. 108-447, div. E, title I, §118, Dec. 8, 2004, 118 Stat. 3065.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 108-108, title I, §119, Nov. 10, 2003, 117 Stat. 1268.

Pub. L. 108-7, div. F, title I, §121, Feb. 20, 2003, 117 Stat. 241.

Pub. L. 107-63, title I, §124, Nov. 5, 2001, 115 Stat. 440.