

“(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, 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.

### § 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.)

#### 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 Rep-