

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 Act for each of fiscal years 2021 through 2025—

(A) \$15,000,000 to the Secretary of the Interior;

(B) \$5,000,000 to the Secretary of Agriculture; and

(C) \$5,000,000 to the Secretary 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, or to a recipient of a grant provided by 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) Amounts from Federal agencies

(A) In general

In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities are authorized to provide funds to the Foundation through Federal financial assistance grants and cooperative agreements, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.

(B) Advances

Federal departments, agencies, or instrumentalities may advance amounts described in subparagraph (A) to the Foundation in a lump sum without regard to when the expenses for which the amounts are used are incurred.

(C) Management fees

The Foundation may assess and collect fees for the management of amounts received under this paragraph.

(2) Use of amounts accepted from Federal agencies

Federal funds provided to the Foundation under paragraph (1) may 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, State and local government agencies, and other entities.

(3) Administration of amounts

(A) In general

In entering into contracts, agreements, or other partnerships pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process applicable to the department, agency, or instrumentality for entering into contracts, agreements, or partnerships with the Foundation if the purpose of the waiver is—

(i) to address an environmental emergency resulting from a natural or other disaster; or

(ii) as determined by the head of the applicable Federal department, agency, or instrumentality, to reduce administrative expenses and expedite the conservation and management of fish, wildlife, plants, and other natural resources.

(B) Reports

The Foundation shall include in the annual report submitted under section 3706(b) of this title a description of any use of the authority under subparagraph (A) by a Federal department, agency, or instrumentality in that fiscal year.

(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—

(1) any expense related to litigation; or

(2) any activity the purpose of which is to influence legislation pending before Congress.

(d) Use of gifts, devises, or bequests of money or other property

Any gifts, devises, or bequests of amounts or other property, or any other amounts or other property, transferred to, deposited with, or otherwise in the possession of the Foundation pursuant to this Act, may be made available by the Foundation to Federal departments, agencies, or instrumentalities and may be accepted and expended (or the disposition of the amounts or property directed), without further appropriation, by those Federal departments, agencies, or instrumentalities, subject to the condition that the amounts or property be used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources.

(Pub. L. 98-244, §10, Mar. 26, 1984, 98 Stat. 110; Pub. L. 100-240, §4, Jan. 11, 1988, 101 Stat. 1786; Pub. L. 101-593, title I, §110(c), Nov. 16, 1990, 104

Stat. 2960; Pub. L. 103-232, title I, §104, Apr. 11, 1994, 108 Stat. 337; Pub. L. 106-408, title II, § 207, Nov. 1, 2000, 114 Stat. 1781; Pub. L. 107-141, § 6, Feb. 12, 2002, 116 Stat. 14; Pub. L. 109-363, title II, §§202, 204, Oct. 17, 2006, 120 Stat. 2075; Pub. L. 116-188, title I, §107(c), Oct. 30, 2020, 134 Stat. 919.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(1), (b)(1)(A), (3)(A), and (d), is Pub. L. 116-188, Oct. 30, 2020, 134 Stat. 905, known as the America's Conservation Enhancement Act. For complete classification of this Act to the Code, see Short Title note set out under section 8201 of this title and Tables.

AMENDMENTS

2020—Subsec. (a)(1). Pub. L. 116-188, §107(c)(1), added par. (1) and struck out former par. (1) which related to authorization of appropriations for fiscal years 2006 through 2010.

Subsec. (b)(1). Pub. L. 116-188, §107(c)(2)(A), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: "In addition to the amounts authorized to be appropriated under subsection (a), 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."

Subsec. (b)(2). Pub. L. 116-188, §107(c)(2)(B), substituted, in heading, "amounts" for "funds" and, in text, "may be used" for "shall be used" and "State and local government agencies, and other entities" for "and State and local government agencies".

Subsec. (b)(3). Pub. L. 116-188, §107(c)(2)(C), added par. (3).

Subsec. (d). Pub. L. 116-188, §107(c)(3), added subsec. (d).

2006—Subsec. (a)(1). Pub. L. 109-363, §202, substituted "fiscal years 2006 through 2010" for "fiscal years 2001 through 2005".

Subsec. (a)(3). Pub. L. 109-363, §204, inserted "or to a recipient of a grant provided by the Foundation," after "made to the Foundation".

2002—Subsec. (a)(1). Pub. L. 107-141, §6(1), substituted "2005" for "2003".

Subsec. (a)(1)(A). Pub. L. 107-141, §6(2), substituted "\$25,000,000" for "\$20,000,000".

2000—Pub. L. 106-408 added text of section and struck out former text which read as follows:

"(a) AUTHORIZATION.—There are authorized to be appropriated to the Department of the Interior \$25,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

"(b) USE OF AMOUNTS APPROPRIATED.—(1) Subject to paragraph (2), amounts appropriated under this section shall be made available to the Foundation for use 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.

"(2) No Federal funds authorized under this section shall be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

"(c) ADDITIONAL AUTHORIZATION.—The amounts authorized to be appropriated under this section are in addition to any amounts provided or available to the Foundation under any other Federal law."

1994—Subsec. (a). Pub. L. 103-232, §104(a)(1), substituted "\$25,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998" for "not to exceed \$15,000,000 for fiscal year 1991, not to exceed \$20,000,000 for fiscal year 1992, and not to exceed \$25,000,000 for fiscal year 1993".

Subsec. (b). Pub. L. 103-232, §104(b), substituted "paragraph (2)" for "paragraphs (2) and (3)".

Subsec. (c). Pub. L. 103-232, §104(a)(2), added subsec. (c).

1990—Pub. L. 101-593 amended section generally. Prior to amendment, section read as follows: "There are authorized to be appropriated to the Department of the Interior for each of fiscal years 1988 through 1993, inclusive, not to exceed \$5,000,000 to be made available to the Foundation—

"(1) to match partially or wholly the amount or value of contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies; and

"(2) to provide administrative services under section 3704 of this title."

1988—Pub. L. 100-240 amended section generally. Prior to amendment, section read as follows: "For the ten-year period beginning on October 1, 1984, there are authorized to be appropriated to the Department of the Interior not to exceed \$1,000,000 to be made available to the Foundation—

"(1) to match, on a one-for-one basis, private contributions made to the Foundation; and

"(2) to provide administrative services under section 3704 of this title."

§ 3710. Limitation on authority

Nothing in this chapter authorizes the Foundation to perform any function the exclusive authority for which is provided to the National Park Foundation by subchapter II of chapter 1011 of title 54.

(Pub. L. 98-244, §11, as added Pub. L. 106-408, title II, §208, Nov. 1, 2000, 114 Stat. 1781; amended Pub. L. 113-287, §5(d)(35), Dec. 19, 2014, 128 Stat. 3267; Pub. L. 116-188, title I, §107(d), Oct. 30, 2020, 134 Stat. 920.)

Editorial Notes

AMENDMENTS

2020—Pub. L. 116-188 inserted "exclusive" before "authority".

2014—Pub. L. 113-287 substituted "subchapter II of chapter 1011 of title 54" for "Public Law 90-209 (16 U.S.C. 19e et seq.)".

CHAPTER 57A—PARTNERSHIPS FOR WILDLIFE

Sec.	
3741.	Findings.
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§ 3741. Findings

The Congress finds the following:

(1) Three-fourths of all American children and adults participate in wildlife-related recreational activities other than hunting, fishing and trapping.

(2) In 1985, Americans spent over \$14 billion on non-consumptive wildlife-related recreation.

(3) The United States and Canada are inhabited by approximately two thousand six hundred vertebrate species of native fish and wildlife, which have provided food, clothing, and other essentials to a rapidly expanding human population.

(4) Over 80 percent of vertebrate fish and wildlife species in North America are not harvested for human use.