

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 Foundation 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 Act for each of fiscal years 2021 through 2030—

(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, cooperative agreements, participating agreements, and similar instruments used for providing partnership funds, 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) Funding agreements**

Federal departments, agencies, and instrumentalities may enter into a Federal funding agreement with the Foundation for a period of not more than 10 years.

**(C) Advances**

Federal departments, agencies, or instrumentalities may, and should when possible, 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.

**(D) 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; Pub. L. 118-198, title I, §106, Dec. 23, 2024, 138 Stat. 2680.)

### 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

2024—Subsec. (a)(1). Pub. L. 118-198, §106(1), substituted “2030” for “2025” in introductory provisions.

Subsec. (b)(1)(A). Pub. L. 118-198, §106(2)(A), substituted “, cooperative agreements, participating agreements, and similar instruments used for providing partnership funds,” for “and cooperative agreements.”

Subsec. (b)(1)(B). Pub. L. 118-198, §106(2)(C), added subpar. (B). Former subpar. (B) redesignated (C).

Subsec. (b)(1)(C). Pub. L. 118-198, §106(2)(D), inserted “, and should when possible,” after “may”.

Pub. L. 118-198, §106(2)(B), redesignated subpar. (B) as (C). Former subpar. (C) redesignated (D).

Subsec. (b)(1)(D). Pub. L. 118-198, §106(2)(B), redesignated subpar. (C) as (D).

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”.