Commissioners shall not, with respect to commitments concerning the United States share of the joint expenses of the Commission, be subject to section 262(b)[1] of title 22 insofar as it limits the authority of United States representatives to international organizations with respect to such commitments.

(Pub. L. 97–176, § 12, May 17, 1982, 96 Stat. 84.)

§ 773k. Location of office space and other facilities on or near University of Washington campus in State of Washington

There are hereby authorized to be appropriated such sums as may be necessary for the Secretary of State to provide for fiscal year 1983 and beyond, by contract, grant, or otherwise, facilities for office and any other necessary space for the Commission. Such facilities shall be located on or near the campus of the University of Washington in the State of Washington and shall be provided without regard to the cost-sharing provisions in the Convention.

(Pub. L. 97–176, § 13, May 17, 1982, 96 Stat. 84.)

CHAPTER 10A—SOCKEYE OR PINK SALMON FISHING

§§ 776 to 776f. Repealed. Pub. L. 99–5, § 13, Mar. 15, 1985, 99 Stat. 15

Section 776, acts July 29, 1947, ch. 345, § 2, 61 Stat. 511; July 11, 1957, Pub. L. 85–102, §§ 1–3, 71 Stat. 293, provided definitions for this chapter. See section 3631 et seq. of this title.

Section 776a, acts July 29, 1947, ch. 345, § 3, 61 Stat. 511; July 11, 1957, Pub. L. 85–102, § 3, 71 Stat. 294, related to unlawful acts by persons or vessels. See section 3631 et seq. of this title.

Section 776b, acts July 29, 1947, ch. 345, § 4, 61 Stat. 512; July 11, 1957, Pub. L. 85–102, § 3, 71 Stat. 294, related to penalties imposed for the omission of or fraudulent returns, records, and reports. See section 3631 et seq. of this title.

Section 776c, acts July 29, 1947, ch. 345, § 5, 61 Stat. 512; July 11, 1957, Pub. L. 85–102, § 3, 71 Stat. 294, related to penalties and forfeitures, and procedures involving violations. See section 3631 et seq. of this title.

Section 776d, acts July 29, 1947, ch. 345, § 6, 61 Stat. 513; July 11, 1957, Pub. L. 85–102, § 3, 71 Stat. 294; Oct. 17, 1968, Pub. L. 90–578, title IV, § 402(b)(2), 82 Stat. 1118; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, provided enforcement procedures for this chapter. See section 3631 et seq. of this title.

Section 776e, acts July 29, 1947, ch. 345, § 7, 61 Stat. 514; July 11, 1957, Pub. L. 85–102, § 4, 71 Stat. 294, related to the cooperation of Federal agencies and the conduct of scientific investigations. See section 3631 et seq. of this title.

Section 776f, acts July 29, 1947, ch. 345, § 8, 61 Stat. 514; Oct. 18, 1972, Pub. L. 92–504, 86 Stat. 907, related to authorizations. See section 3631 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Section 13 of Pub. L. 99–5 provided that the repeal of this chapter is effective Dec. 31, 1985.

EFFECTIVE DATE

Section 10 of act July 29, 1947, which provided that this Act [this chapter] shall be effective thirty days from the date of its approval [July 29, 1947], was repealed by Pub. L. 99–5, § 13, Mar. 15, 1985, 99 Stat. 15.

SHORT TITLE

Section 1 of act July 29, 1947, as amended by Pub. L. 85–102, § 3, July 11, 1957, 71 Stat. 294, which provided that this Act [this chapter] may be cited as the ''Sockeye Salmon or Pink Salmon Fishing Act of 1947'', was repealed by Pub. L. 99–5, § 13, Mar. 15, 1985, 99 Stat. 15.

SAVINGS PROVISION

Section 9 of act July 29, 1947, which provided that if any provision of this Act [this chapter] is held invalid for any cause, such invalidity shall not affect the other provisions hereof, was repealed by Pub. L. 99–5, § 13, Mar. 15, 1985, 99 Stat. 15.

CHAPTER 10B—FISH RESTORATION AND MANAGEMENT PROJECTS

Sec.
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777*l*. State use of contributions.
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§ 777. Federal-State relationships

(a) Cooperation between Federal Government and State fish and game departments; expenditure of funds

The Secretary of the Interior is authorized and directed to cooperate with the States through their respective State fish and game departments in fish restoration and management projects as hereinafter set forth: No money apportioned under this chapter to any State, except as hereinafter provided, shall be expended therein until its legislature, or other State agency authorized by the State constitution to make laws governing the conservation of fish, shall have assented to the provisions of this chapter and shall have passed laws for the conservation of fish, which shall include a prohibition against the diversion of license fees paid by fishermen for any other purpose than the administration of said State fish and game department, except that, until the final adjournment of the first regular session of the legislature held after passage of this chapter, the assent of the governor of the State shall be sufficient. The Secretary of the Interior and the State fish and game department of each State accepting the benefits of this chapter shall agree upon the fish restoration and management projects to be aided in such State under the terms of this chapter, and all projects shall conform to the standards fixed by the Secretary of the Interior.

[1] So in original. Probably should be section ''262b''.

(b) Allocation of amounts by coastal States between marine fish projects and freshwater fish projects

(1) In general

Subject to paragraph (2), each coastal State, to the extent practicable, shall equitably allocate amounts apportioned to such State under this chapter between marine fish projects and freshwater fish projects in the same proportion as the estimated number of resident marine anglers and the estimated number of resident freshwater anglers, respectively, bear to the estimated number of all resident anglers in that State.

(2) Preservation of freshwater project allocation at 1988 level

(A) Subject to subparagraph (B), the amount allocated by a State pursuant to this subsection to freshwater fish projects for each fiscal year shall not be less than the amount allocated by such State to such projects for fiscal year 1988.

(B) Subparagraph (A) shall not apply to a State with respect to any fiscal year for which the amount apportioned to the State under this chapter is less than the amount apportioned to the State under this chapter for fiscal year 1988.

(3) "Coastal State" defined

As used in this subsection, the term ''coastal State'' means any one of the States of Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oregon, Rhode Island, South Carolina, Texas, Virginia, and Washington. The term also includes the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(Aug. 9, 1950, ch. 658, §1, 64 Stat. 430; Pub. L. 98–369, div. A, title X, §1014(a)(1), July 18, 1984, 98 Stat. 1015; Pub. L. 99–514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100–448, §6(c)(1), Sept. 28, 1988, 102 Stat. 1840.)

AMENDMENTS

1988—Subsec. (b). Pub. L. 100–448 substituted ''Allocation of amounts by coastal States between marine fish projects and freshwater fish projects'' for ''Allocation of funds by coastal States; formula; 'coastal State' defined'' in heading and amended text generally. Prior to amendment, text read as follows: ''Each coastal State, to the extent practicable, shall equitably allocate the following sums between marine fish projects and freshwater fish projects in the same proportion as the estimated number of resident marine anglers and the estimated number of resident freshwater anglers, respectively, bear to the estimated number of all resident anglers in that State:

''(1) The additional sums apportioned to such State under this chapter as a result of the taxes imposed by the amendments made by section 1015 of the Tax Reform Act of 1984 on items not taxed under section 4161(a) of title 26 before October 1, 1984.

''(2) The sums apportioned to such State under this chapter that are not attributable to any tax imposed by such section 4161(a).

As used in this subsection, the term 'coastal State' means any one of the States of Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oregon, Rhode Island, South Carolina, Texas, Virginia, and Washington. The term also includes the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Marianas.''

1986—Subsec. (b)(1). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1984—Pub. L. 98–369 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1988 AMENDMENT

Section 6(e) of Pub. L. 100–448 provided that: ''This section [enacting section 777*l* of this title, amending this section, sections 9503 and 9504 of Title 26, Internal Revenue Code, and sections 13102 and 13106 of Title 46, Shipping, enacting provisions set out as a note under section 13101 of Title 46, and repealing provisions set out as a note under section 13103 of Title 46] shall take effect October 1, 1988.''

EFFECTIVE DATE OF 1984 AMENDMENT

Section 1014(b) of Pub. L. 98–369 provided that: ''The amendments made by subsection (a) [amending this section and sections 777b, 777c to 777e, 777g, and 777k of this title] shall take effect on October 1, 1984, and shall apply with respect to fiscal years beginning after September 30, 1984.''

EFFECTIVE DATE

Section 13 of act Aug. 9, 1950, which provided that the effective date of this chapter was July 1, 1950, was repealed by Pub. L. 106–408, title I, §122(a)(1), Nov. 1, 2000, 114 Stat. 1772.

SHORT TITLE OF 2005 AMENDMENTS

Pub. L. 109–74, §1, Sept. 29, 2005, 119 Stat. 2030, provided that: ''This Act [amending sections 777c and 777n of this title, section 9504 of Title 26, Internal Revenue Code, and section 13106 of Title 46, Shipping, enacting provisions set out as notes under section 777b of this title and section 9504 of Title 26, and repealing provisions set out as a note under section 777b of this title] may be cited as the 'Sportfishing and Recreational Boating Safety Amendments Act of 2005'.''

Pub. L. 109–59, title X, §10101, Aug. 10, 2005, 119 Stat. 1926, provided that: ''This subtitle [subtitle A (§§10101–10143) of title X of Pub. L. 109–59, enacting section 777n of this title, amending sections 777b, 777c, 777g, 777g–1, 777h, 777k, and 777m of this title and sections 13102, 13104, and 13106 of Title 46, Shipping, enacting provisions set out as a note under section 777b of this title, and amending provisions set out as a note under this section and section 1322 of Title 33, Navigation and Navigable Waters] may be cited as the 'Sportfishing and Recreational Boating Safety Act of 2005'.''

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105–178, title VII, §7401(a), June 9, 1998, 112 Stat. 482, provided that: ''This subtitle [subtitle D (§§7401–7405) of title VII of Pub. L. 105–178, enacting section 777g–1 of this title and amending sections 777a, 777c, and 777g of this title and sections 13104 and 13106 of Title 46, Shipping] may be cited as the 'Sportfishing and Boating Safety Act of 1998'.''

SHORT TITLE OF 1970 AMENDMENT

Section 204 of title II of Pub. L. 91–503, Oct. 23, 1970, 84 Stat. 1104, provided that: ''This title [amending sections 777c, 777e to 777g, and 777k of this title] may be cited as the 'Federal Aid in Fish Restoration Act Amendments of 1970'.''

SHORT TITLE

Act Aug. 9, 1950, ch. 658, §16, formerly §15, as added by Pub. L. 106–408, title I, §101(c), Nov. 1, 2000, 114 Stat.

1763; renumbered §16, Pub. L. 109–59, title X, §10119, Aug. 10, 2005, 119 Stat. 1929, provided that: ''This Act [enacting this chapter] may be cited as the 'Dingell-Johnson Sport Fish Restoration Act'.''

Act Aug. 9, 1950, ch. 658, as amended, is also popularly known as the ''Federal Aid in Fish Restoration Act'' and the ''Fish Restoration and Management Projects Act''.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior in view of: creation of National Oceanic and Atmospheric Administration in Department of Commerce and Office of Administrator of such Administration; abolition of Bureau of Commercial Fisheries in Department of the Interior and Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in Secretary of the Interior or Department of the Interior which were administered through Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf-Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

FISHERIES RESTORATION AND IRRIGATION MITIGATION

Pub. L. 106–502, Nov. 13, 2000, 114 Stat. 2294, as amended by Pub. L. 111–11, title XIII, §13002, Mar. 30, 2009, 123 Stat. 1447, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Fisheries Restoration and Irrigation Mitigation Act of 2000'.

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) PACIFIC OCEAN DRAINAGE AREA.—The term 'Pacific Ocean drainage area' means the area comprised of portions of the States of Oregon, Washington, Montana, and Idaho from which water drains into the Pacific Ocean.

''(2) PROGRAM.—The term 'Program' means the Fisheries Restoration and Irrigation Mitigation Program established by section 3(a).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

''SEC. 3. ESTABLISHMENT OF THE PROGRAM.

''(a) ESTABLISHMENT.—There is established the Fisheries Restoration and Irrigation Mitigation Program within the Department of the Interior.

''(b) GOALS.—The goals of the Program are—

''(1) to decrease fish mortality associated with the withdrawal of water for irrigation and other purposes without impairing the continued withdrawal of water for those purposes; and

''(2) to decrease the incidence of juvenile and adult fish entering water supply systems.

''(c) IMPACTS ON FISHERIES.—

''(1) IN GENERAL.—Under the Program, the Secretary, in consultation with the heads of other appropriate agencies, shall develop and implement projects to mitigate impacts to fisheries resulting from the construction and operation of water diversions by local governmental entities (including soil and water conservation districts) in the Pacific Ocean drainage area.

''(2) TYPES OF PROJECTS.—Projects eligible under the Program may include—

''(A) the development, improvement, or installation of—

''(i) fish screens;

''(ii) fish passage devices; and

''(iii) other related features agreed to by non-Federal interests, relevant Federal and tribal agencies, and affected States; and

''(B) inventories by the States on the need and priority for projects described in clauses (i) through (iii).

''(3) PRIORITY.—The Secretary shall give priority to any project that has a total cost of less than $2,500,000.

''SEC. 4. PARTICIPATION IN THE PROGRAM.

''(a) NON-FEDERAL.—

''(1) IN GENERAL.—Non-Federal participation in the Program shall be voluntary.

''(2) FEDERAL ACTION.—The Secretary shall take no action that would result in any non-Federal entity being held financially responsible for any action under the Program, unless the entity applies to participate in the Program.

''(b) FEDERAL.—Development and implementation of projects under the Program on land or facilities owned by the United States shall be nonreimbursable Federal expenditures.

''SEC. 5. EVALUATION AND PRIORITIZATION OF PROJECTS.

''Evaluation and prioritization of projects for development under the Program shall be conducted on the basis of—

''(1) benefits to fish species native to the project area, particularly to species that are listed as being, or considered by Federal or State authorities to be, endangered, threatened, or sensitive;

''(2) the size and type of water diversion;

''(3) the availability of other funding sources;

''(4) cost effectiveness; and

''(5) additional opportunities for biological or water delivery system benefits.

''SEC. 6. ELIGIBILITY REQUIREMENTS.

''(a) IN GENERAL.—A project carried out under the Program shall not be eligible for funding unless—

''(1) the project meets the requirements of the Secretary, as applicable, and any applicable State requirements; and

''(2) the project is agreed to by all Federal and non-Federal entities with authority and responsibility for the project.

''(b) DETERMINATION OF ELIGIBILITY.—In determining the eligibility of a project under this Act, the Secretary shall—

''(1) consult with other Federal, State, tribal, and local agencies; and

''(2) make maximum use of all available data.

''SEC. 7. COST SHARING.

''(a) NON-FEDERAL SHARE.—The non-Federal share of the cost of development and implementation of any project under the Program on land or at a facility that is not owned by the United States shall be 35 percent.

''(b) NON-FEDERAL CONTRIBUTIONS.—The non-Federal participants in any project under the Program on land or at a facility that is not owned by the United States shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the project.

''(c) CREDIT FOR CONTRIBUTIONS.—

''(1) IN GENERAL.—The value of land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subsection (b) for a project shall be credited toward the non-Federal share of the costs of the project.

''(2) BONNEVILLE POWER ADMINISTRATION.—

''(A) IN GENERAL.—The Secretary may, without further appropriation and without fiscal year limitation, accept any amounts provided to the Secretary by the Administrator of the Bonneville Power Administration.

''(B) NON-FEDERAL SHARE.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity for a project carried under the Program shall be credited toward the non-Federal share of the costs of the project.

''(d) ADDITIONAL COSTS.—

''(1) NON-FEDERAL RESPONSIBILITIES.—The non-Federal participants in any project carried out under the Program on land or at a facility that is not owned by the United States shall be responsible for all costs associated with operating, maintaining, repairing, rehabilitating, and replacing the project.

''(2) FEDERAL RESPONSIBILITY.—The Federal Government shall be responsible for costs referred to in paragraph (1) for projects carried out on Federal land or at a Federal facility.

''SEC. 8. LIMITATION ON ELIGIBILITY FOR FUNDING.

''A project that receives funds under this Act shall be ineligible to receive Federal funds from any other source for the same purpose.

''SEC. 9. REPORT.

''On the expiration of the third fiscal year for which any amounts are made available to carry out this Act, the Secretary shall, after partnering with local governmental entities and the States in the Pacific Ocean drainage area, submit to Congress a report describing—

''(1) the projects that have been completed under this Act;

''(2) the projects that will be completed with amounts made available under this Act during the remaining fiscal years for which amounts are authorized to be appropriated under section 10; and

''(3) recommended changes to the Program as a result of projects that have been carried out under this Act.

''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $25,000,000 for each of fiscal years 2009 through 2015.

''(b) LIMITATIONS.—

''(1) SINGLE STATE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 25 percent of the total amount of funds made available under this section may be used for one or more projects in any single State.

''(B) WAIVER.—On notification to Congress, the Secretary may waive the limitation under subparagraph (A) if a State is unable to use the entire amount of funding made available to the State under this Act.

''(2) ADMINISTRATIVE EXPENSES.—

''(A) DEFINITION OF ADMINISTRATIVE EXPENSE.—In this paragraph, the term 'administrative expense' means, except as provided in subparagraph (B)(iii)(II), any expenditure relating to—

''(i) staffing and overhead, such as the rental of office space and the acquisition of office equipment; and

''(ii) the review, processing, and provision of applications for funding under the Program.

''(B) LIMITATION.—

''(i) IN GENERAL.—Not more than 6 percent of amounts made available to carry out this Act for each fiscal year may be used for Federal and State administrative expenses of carrying out this Act.

''(ii) FEDERAL AND STATE SHARES.—To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i)—

''(I) 50 percent shall be provided to the State agencies provided assistance under the Program; and

''(II) an amount equal to the cost of 1 full-time equivalent Federal employee, as determined by the Secretary, shall be provided to the Federal agency carrying out the Program.

''(iii) STATE EXPENSES.—Amounts made available to States for administrative expenses under clause (i)—

''(I) shall be divided evenly among all States provided assistance under the Program; and

''(II) may be used by a State to provide technical assistance relating to the program, including any staffing expenditures (including staff travel expenses) associated with—

''(aa) arranging meetings to promote the Program to potential applicants;

''(bb) assisting applicants with the preparation of applications for funding under the Program; and

''(cc) visiting construction sites to provide technical assistance, if requested by the applicant.''

§ 777a. Definitions

For purposes of this chapter—

(1) the term ''fish restoration and management projects'' shall be construed to mean projects designed for the restoration and management of all species of fish which have material value in connection with sport or recreation in the marine and/or fresh waters of the United States and include—

(A) such research into problems of fish management and culture as may be necessary to efficient administration affecting fish resources;

(B) the acquisition of such facts as are necessary to guide and direct the regulation of fishing by law, including the extent of the fish population, the drain on the fish supply from fishing and/or natural causes, the necessity of legal regulation of fishing, and the effects of any measures of regulation that are applied;

(C) the formulation and adoption of plans of restocking waters with food and game fishes according to natural areas or districts to which such plans are applicable, together with the acquisition of such facts as are necessary to the formulation, execution, and testing the efficacy of such plans;

(D) the selection, restoration, rehabilitation, and improvement of areas of water or land adaptable as hatching, feeding, resting, or breeding places for fish, including acquisition by purchase, condemnation, lease, or gift of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes, and such preliminary or incidental costs and expenses as may be incurred in and about such works; the term ''State fish and game department'' shall be construed to mean and include any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department;

(2) the term ''outreach and communications program'' means a program to improve communications with anglers, boaters, and the general public regarding angling and boating opportunities, to reduce barriers to participation in these activities, to advance adoption of sound fishing and boating practices, to promote conservation and the responsible use of the Nation's aquatic resources, and to further safety in fishing and boating; and

(3) the term ''aquatic resource education program'' means a program designed to en-

hance the public's understanding of aquatic resources and sportfishing, and to promote the development of responsible attitudes and ethics toward the aquatic environment.

(Aug. 9, 1950, ch. 658, § 2, 64 Stat. 431; July 2, 1956, ch. 489, § 3, 70 Stat. 473; Pub. L. 86–624, § 12, July 12, 1960, 74 Stat. 413; Pub. L. 105–178, title VII, § 7402(a), June 9, 1998, 112 Stat. 483.)

AMENDMENTS

1998—Pub. L. 105–178 inserted introductory provisions ''For purposes of this chapter—'', designated existing provisions as par. (1), substituted ''the term'' for ''For the purpose of this chapter the term'', redesignated subsecs. (a) to (d) as subpars. (A) to (D), respectively, of par. (1), substituted ''department;'' for ''department.'' at end of subpar. (D), realigned margins, and added pars. (2) and (3).

1960—Subsec. (d). Pub. L. 86–624 struck out provisions which defined ''State'' as including the several States and the Territory of Hawaii.

1956—Act July 2, 1956, included definition of ''State''.

EFFECTIVE DATE OF 1956 AMENDMENT

Amendment by act July 2, 1956, as applicable only with respect to fiscal years beginning after July 2, 1956, see section 5 of act July 2, 1956, set out as a note under section 669a of this title.

§ 777b. Authorization of appropriations

To carry out the provisions of this chapter for fiscal years after September 30, 1984, there are authorized to be appropriated from the Sport Fish Restoration and Boating Trust Fund established by section 9504(a) of title 26 the amounts paid, transferred, or otherwise credited to that Trust Fund, except as provided in section 9504(c) of title 26. For purposes of the provision of the Act of August 31, 1951, which refers to this section, such amounts shall be treated as the amounts that are equal to the revenues described in this section. The appropriation made under the provisions of this section for each fiscal year shall continue available during succeeding fiscal years. So much of such appropriation apportioned to any State for any fiscal year as remains unexpended at the close thereof is authorized to be made available for expenditure in that State until the close of the succeeding fiscal year. Any amount apportioned to any State under the provisions of this chapter which is unexpended or unobligated at the end of the period during which it is available for expenditure on any project is authorized to be made available for expenditure by the Secretary of the Interior to supplement the 57 percent of the balance of each annual appropriation to be apportioned among the States, as provided for in section 777c(c) of this title.

(Aug. 9, 1950, ch. 658, § 3, 64 Stat. 431; Pub. L. 98–369, div. A, title X, § 1014(a)(2), July 18, 1984, 98 Stat. 1015; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 109–59, title X, § 10112(a), (b)(1), Aug. 10, 2005, 119 Stat. 1927.)

REFERENCES IN TEXT

The provision of the Act of August 31, 1951, referred to in text, is set out as a note below.

AMENDMENTS

2005—Pub. L. 109–59 substituted ''Sport Fish Restoration and Boating Trust Fund'' for ''Sport Fish Restoration Account'', ''that Trust Fund, except as provided in section 9504(c) of title 26'' for ''that Account'', ''during succeeding fiscal years'' for ''during the succeeding fiscal year'', and ''to supplement the 57 percent of the balance of each annual appropriation to be apportioned among the States, as provided for in section 777c(c) of this title'' for ''in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport and recreation''.

1986—Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1984—Pub. L. 98–369 substituted ''To carry out the provisions of this chapter for fiscal years after September 30, 1984, there are authorized to be appropriated from the Sport Fish Restoration Account established by section 9504(a) of title 26 the amounts paid, transferred, or otherwise credited to that Account. For purposes of the provision of the Act of August 31, 1951, which refers to this section, such amounts shall be treated as the amounts that are equal to the revenues described in this section'' for ''To carry out the provisions of this chapter, there is hereby authorized to be appropriated an amount equal to the revenue accruing from tax imposed by section 3406 of the Internal Revenue Code, as heretofore of hereafter extended and amended, on fishing rods, creels, reels, and artificial lures, baits, and flies during the fiscal year ending June 30, 1951, and each fiscal year thereafter''.

EFFECTIVE DATE OF 2005 AMENDMENTS

Pub. L. 109–74, title I, § 101(b), Sept. 29, 2005, 119 Stat. 2030, provided that: ''Except as provided by the amendments made by title II of this Act [amending section 777c of this title and section 13106 of Title 46, Shipping], during the period beginning on the date of the enactment of the Sportfishing and Recreational Boating Safety Act of 2005 [Aug. 10, 2005], and ending upon the expiration of fiscal year 2005, the provisions of law amended by the Sportfishing and Recreational Boating Safety Act of 2005 [see Short Title of 2005 Amendments note set out under section 777 of this title] (as amended by this Act) shall be considered to read as such laws read immediately before the enactment of that Act.''

Pub. L. 109–59, title X, § 10102, as added by Pub. L. 109–74, title I, § 101(a)(2), Sept. 29, 2005, 119 Stat. 2030, provided that: ''The amendments made by this subtitle [subtitle A (§§ 10101–10143) of title X of Pub. L. 109–59, see Short Title of 2005 Amendments note set out under section 777 of this title] shall take effect October 1, 2005.''

Pub. L. 109–59, title X, § 10112(b)(2), Aug. 10, 2005, 119 Stat. 1927, which provided that the amendments made by section 10112(b)(1) of Pub. L. 109–59 (amending this section) would take effect on Oct. 1, 2005, was repealed by Pub. L. 109–74, title I, § 101(a)(1), Sept. 29, 2005, 119 Stat. 2030. See section 10102 of Pub. L. 109–59, set out above.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–369 effective Oct. 1, 1984, and applicable with respect to fiscal years beginning after Sept. 30, 1984, see section 1014(b) of Pub. L. 98–369, set out as a note under section 777 of this title.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see note set out under section 777 of this title.

AVAILABILITY OF FUNDS UNTIL EXPENDED

Section 101 of act Aug. 31, 1951, ch. 375, title I, 65 Stat. 262, provided that: ''For carrying out the provisions of the Act of August 9, 1950 (Public Law 681) [this chapter], amounts equal to the revenues described in section 3 of said Act [this section] and credited during the next preceding fiscal year and each fiscal year thereafter, to remain available until expended.''

§ 777c. Division of annual appropriations

(a) In general

For each of fiscal years 2006 through 2009, and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law, the balance of each annual appropriation made in accordance with the provisions of section 777b of this title remaining after the distributions for administrative expenses and other purposes under subsection (b) of this section and for multistate conservation grants under section 777m of this title shall be distributed as follows:

(1) Coastal wetlands

An amount equal to 18.5 percent to the Secretary of the Interior for distribution as provided in the Coastal Wetlands Planning, Protection,[1] and Restoration Act (16 U.S.C. 3951 et seq.).

(2) Boating safety

An amount equal to 18.5 percent to the Secretary of the department in which the Coast Guard is operating for State recreational boating safety programs under section 13107 of title 46.

(3) Clean Vessel Act

An amount equal to 2.0 percent to the Secretary of the Interior for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

(4) Boating infrastructure

An amount equal to 2.0 percent to the Secretary of the Interior for obligation for qualified projects under section 777g–1(d) of this title.

(5) National outreach and communications

An amount equal to 2.0 percent to the Secretary of the Interior for the National Outreach and Communications Program under section 777g(d) of this title. Such amounts shall remain available for 3 fiscal years, after which any portion thereof that is unobligated by the Secretary for that program may be expended by the Secretary under subsection (c) of this section.

(b) Set-aside for expenses for administration of this chapter

(1) In general

(A) Set-aside for administration

From the annual appropriation made in accordance with section 777b of this title, for each of fiscal years 2006 through 2009 and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law,,[2] the Secretary of the Interior may use no more than the amount specified in subparagraph (B) for the fiscal year for expenses for administration incurred in the implementation of this chapter, in accordance with this section and section 777h of this title. The amount specified in subparagraph (B) for a fiscal year may not be included in the amount of the annual appropriation distributed under subsection (a) of this section for the fiscal year.

(B) Available amounts

The available amount referred to in subparagraph (A) is—

(i) for each of fiscal years 2001 and 2002, $9,000,000;

(ii) for fiscal year 2003, $8,212,000; and

(iii) for fiscal year 2004 and each fiscal year thereafter, the sum of—

(I) the available amount for the preceding fiscal year; and

(II) the amount determined by multiplying—

(aa) the available amount for the preceding fiscal year; and

(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

(2) Period of availability; apportionment of unobligated amounts

(A) Period of availability

For each fiscal year, the available amount under paragraph (1) shall remain available for obligation for use under that paragraph until the end of the fiscal year.

(B) Apportionment of unobligated amounts

Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts made available under this chapter are apportioned among the States under subsection (e)[3] of this section for the fiscal year.

(c) Apportionment among States

The Secretary[4] after the distribution, transfer, use and deduction under subsection (b) of this section, and after deducting amounts used for grants under section 777m of this title, shall apportion 57 percent of the balance of each such annual appropriation among the several States in the following manner: 40 percent in the ratio which the area of each State including coastal and Great Lakes waters (as determined by the Secretary of the Interior) bears to the total area of all the States, and 60 percent in the ratio which the number of persons holding paid licenses to fish for sport or recreation in the State in the second fiscal year preceding the fiscal year for which such apportionment is made, as certified to said Secretary by the State fish and game departments, bears to the number of such persons in all the States. Such apportionments shall be adjusted equitably so that no State shall receive less than 1 percent nor more than 5 percent of the total amount apportioned. Where the apportionment to any State under this section is less than $4,500 annually, the Sec-

[1] So in original. The comma probably should not appear.

[2] So in original.

[3] See References in Text note below.

[4] So in original. Probably should be followed by a comma.

retary of the Interior may allocate not more than $4,500 of said appropriation to said State to carry out the purposes of this chapter when said State certifies to the Secretary of the Interior that it has set aside not less than $1,500 from its fish-and-game funds or has made, through its legislature, an appropriation in this amount of said purposes.

(d) Unallocated funds

So much of any sum not allocated under the provisions of this section for any fiscal year is hereby authorized to be made available for expenditure to carry out the purposes of this chapter until the close of the succeeding fiscal year. The term fiscal year as used in this section shall be a period of twelve consecutive months from October 1 through the succeeding September 30, except that the period for enumeration of persons holding licenses to fish shall be a State's fiscal or license year.

(e) Expenses for administration of certain programs

(1) In general

For each fiscal year, of the amounts appropriated under section 777b of this title, the Secretary of the Interior shall use only funds authorized for use under paragraphs (1), (3), (4), and (5) of subsection (a) of this section to pay the expenses for administration incurred in carrying out the provisions of law referred to in those subsections,[5] respectively.

(2) Maximum amount

For each fiscal year, the Secretary of the Interior may use not more than $900,000 in accordance with paragraph (1).

(f) Transfer of certain funds

Amounts available under paragraphs (3) and (4) of subsection (a) of this section that are unobligated by the Secretary of the Interior after 3 fiscal years shall be transferred to the Secretary of the department in which the Coast Guard is operating and shall be expended for State recreational boating safety programs under section 13107(a) of title 46.

(Aug. 9, 1950, ch. 658, § 4, 64 Stat. 432; Pub. L. 91–503, title II, § 201, Oct. 23, 1970, 84 Stat. 1101; Pub. L. 94–273, § 4(2), Apr. 21, 1976, 90 Stat. 377; Pub. L. 98–369, div. A, title X, § 1014(a)(3), July 18, 1984, 98 Stat. 1015; Pub. L. 101–646, title III, § 308, Nov. 29, 1990, 104 Stat. 4787; Pub. L. 102–587, title V, § 5604(a), Nov. 4, 1992, 106 Stat. 5087; Pub. L. 105–178, title VII, §§ 7402(b), 7403, June 9, 1998, 112 Stat. 483, 485; Pub. L. 105–206, title IX, § 9012(b), July 22, 1998, 112 Stat. 864; Pub. L. 106–74, title IV, § 430, Oct. 20, 1999, 113 Stat. 1096; Pub. L. 106–377, § 1(a)(2) [title VI, § 605], Oct. 27, 2000, 114 Stat. 1441, 1441A–85; Pub. L. 106–408, title I, §§ 121(a), (c), 122(b)–124, Nov. 1, 2000, 114 Stat. 1769, 1772, 1774; Pub. L. 108–88, § 9(a), (b), Sept. 30, 2003, 117 Stat. 1126; Pub. L. 108–202, § 7(a), (b), Feb. 29, 2004, 118 Stat. 483; Pub. L. 108–224, § 6(a), (b), Apr. 30, 2004, 118 Stat. 632; Pub. L. 108–263, § 6(a), (b), June 30, 2004, 118 Stat. 703; Pub. L. 108–280, § 6(a), (b), July 30, 2004, 118 Stat. 881, 882; Pub. L. 108–310, § 9(a), (b), Sept. 30, 2004, 118 Stat. 1159; Pub. L. 108–447, div. C, title I, § 114(b), Dec. 8, 2004, 118 Stat. 2944; Pub. L. 109–14, § 8(a), (b), May 31, 2005, 119 Stat. 334; Pub. L. 109–20, § 8(a), (b), July 1, 2005, 119 Stat. 356; Pub. L. 109–35, § 8(a), (b), July 20, 2005, 119 Stat. 389; Pub. L. 109–37, § 8(a), (b), July 22, 2005, 119 Stat. 404, 405; Pub. L. 109–40, § 8(a), (b), July 28, 2005, 119 Stat. 421; Pub. L. 109–59, title X, § 10113, Aug. 10, 2005, 119 Stat. 1927; Pub. L. 109–74, title II, §§ 201, 202, Sept. 29, 2005, 119 Stat. 2031; Pub. L. 109–241, title IX, § 901(r)(1), July 11, 2006, 120 Stat. 566; Pub. L. 109–304, § 16(c)(1), Oct. 6, 2006, 120 Stat. 1705; Pub. L. 111–68, div. B, § 160, Oct. 1, 2009, 123 Stat. 2052.)

[5] So in original. Probably should be ''paragraphs,''.

REFERENCES IN TEXT

The date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law, referred to in subsecs. (a) and (b)(1)(A), probably means the date specified in section 106(3) of div. B of Pub. L. 111–68, as amended by Pub. L. 111–88, div. B, § 101, Oct. 30, 2009, 123 Stat. 2972, which is December 18, 2009.

The Coastal Wetlands Planning, Protection and Restoration Act, referred to in subsec. (a)(1), is title III of Pub. L. 101–646, Nov. 29, 1990, 104 Stat. 4778, as amended, which is classified generally to chapter 59A (§ 3951 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3951 of this title and Tables.

Section 5604(c) of the Clean Vessel Act of 1992, referred to in subsec. (a)(3), is section 5604(c) of Pub. L. 102–587, which is set out as a note under section 1322 of Title 33, Navigation and Navigable Waters.

Subsection (e) of this section, referred to in subsec. (b)(2)(B), was redesignated subsection (c) by Pub. L. 109–59, title X, § 10113(1), Aug. 10, 2005, 119 Stat. 1927.

AMENDMENTS

2009—Subsec. (a). Pub. L. 111–68, § 160(1), inserted ''and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law,'' after ''2009,'' in introductory provisions.

Subsec. (b)(1)(A). Pub. L. 111–68, § 160(2), inserted ''and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law,'' after ''2009''.

2006—Subsec. (a)(2). Pub. L. 109–304 substituted ''13107'' for ''13106''.

Subsec. (c). Pub. L. 109–241 struck out '', for each of fiscal years 2006 through 2009,'' after ''The Secretary''.

Subsec. (f). Pub. L. 109–304 substituted ''13107(a)'' for ''13106(a)''.

2005—Subsec. (a). Pub. L. 109–59, § 10113(1), (2), added subsec. (a) and struck out former subsec. (a) which read as follows: ''The Secretary of the Interior shall distribute 18 per centum of each annual appropriation made in accordance with the provisions of section 777b of this title as provided in the Coastal Wetlands Planning, Protection, and Restoration Act (title III, Public Law 101–646). Notwithstanding the provisions of section 777b of this title, such sums shall remain available to carry out such Act through fiscal year 2019.''

Subsec. (b). Pub. L. 109–59, § 10113(1), redesignated subsec. (d) as (b) and struck out former subsec. (b) which related to use of the balance of each annual appropriation remaining after making the distribution under subsec. (a) in fiscal years 1998 through 2005.

Subsec. (b)(1)(A). Pub. L. 109–59, § 10113(3), added subpar. (A) and struck out heading and text of former subpar. (A). Text read as follows: ''For fiscal year 2001 and each fiscal year thereafter, of the balance of each such annual appropriation remaining after the distribution and use under subsections (a), (b), and (c) of this section and section 777m of this title, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for ex-

penses for administration incurred in implementation of this chapter, in accordance with this subsection and section 777h of this title.''

Subsec. (b)(4). Pub. L. 109–74, § 202, substituted ''Fiscal'' for ''First 303 days of fiscal'' in heading, ''September 30, 2005'' for ''July 30, 2005'' and ''$82,000,000'' for ''$68,071,233'' in introductory provisions, ''$10,000,000'' for ''$8,301,370'' in subpar. (A), and ''$8,000,000'' for ''$6,641,096'' in subpar. (B).

Pub. L. 109–40, § 8(b), amended heading and text of par. (4) generally, substituting provisions relating to use of funds for first 303 days of fiscal year 2005 for similar provisions relating to use of funds for first 300 days of fiscal year 2005.

Pub. L. 109–37, § 8(b), amended heading and text of par. (4) generally, substituting provisions relating to use of funds for first 300 days of fiscal year 2005 for similar provisions relating to use of funds for first 42 weeks of fiscal year 2005.

Pub. L. 109–35, § 8(b), amended heading and text of par. (4) generally, substituting provisions relating to use of funds for first 42 weeks of fiscal year 2005 for similar provisions relating to use of funds for first 292 days of fiscal year 2005.

Pub. L. 109–20, § 8(b), amended heading and text of par. (4) generally, substituting provisions relating to use of funds for first 292 days of fiscal year 2005 for similar provisions relating to use of funds for first 9 months of fiscal year 2005.

Pub. L. 109–14, § 8(b), amended heading and text of par. (4) generally, substituting provisions relating to use of funds for first 9 months of fiscal year 2005 for similar provisions relating to use of funds for fiscal year 2004.

Subsec. (c). Pub. L. 109–59, § 10113(4), (5), substituted ''Secretary, for each of fiscal years 2006 through 2009, after the distribution, transfer, use and deduction under subsection (b) of this section, and after deducting amounts used for grants under section 777m of this title, shall apportion 57 percent of the balance'' for ''Secretary of the Interior, after the distribution, transfer, use, and deduction under subsections (a), (b), (c), and (d) of this section, respectively, and after deducting amounts used for grants under section 777m of this title, shall apportion the remainder'' and ''percent'' for ''per centum'' after ''40'', ''60'', ''1'', and ''5''.

Pub. L. 109–59, § 10113(1), redesignated subsec. (e) as (c) and struck out former subsec. (c) which obligated amounts for the National Outreach and Communications Program for fiscal years 1999 through 2005.

Subsec. (c)(7). Pub. L. 109–74, § 201, amended par. (7) generally, substituting ''$10,000,000 for fiscal year 2005;'' for ''$8,301,370 for the period of October 1, 2004, through July 30, 2005;''.

Pub. L. 109–40, § 8(a), amended par. (7) generally. Prior to amendment, par. (7) read as follows: ''$8,219,180 for the period of October 1, 2004, through July 27, 2005;''.

Pub. L. 109–37, § 8(a), amended par. (7) generally. Prior to amendment, par. (7) read as follows: ''$8,099,997 for the period of October 1, 2004, through July 21, 2005;''.

Pub. L. 109–35, § 8(a), amended par. (7) generally. Prior to amendment, par. (7) read as follows: ''$8,000,000 for the period of October 1, 2004, through July 19, 2005;''.

Pub. L. 109–20, § 8(a), substituted ''(7) $8,000,000 for the period of October 1, 2004, through July 19, 2005;'' for ''(6) $7,499,997 for the period of October 1, 2004, through June 30, 2005;''.

Pub. L. 109–14, § 8(a), directed amendment of par. (7) generally by substituting ''(6) $7,499,997 for the period of October 1, 2004, through June 30, 2005;'' for ''(7) $6,666,664 for the period of October 1, 2004, through May 31, 2005;''. See above.

Subsec. (d). Pub. L. 109–59, § 10113(1), redesignated subsec. (f) as (d). Former subsec. (d) redesignated (b).

Subsec. (e). Pub. L. 109–59, § 10113(1), redesignated subsec. (g) as (e). Former subsec. (e) redesignated (c).

Subsec. (e)(1). Pub. L. 109–59, § 10113(6), substituted ''paragraphs (1), (3), (4), and (5) of subsection (a)'' for ''subsections (a), (b)(3)(A), (b)(3)(B), and (c)''.

Subsec. (f). Pub. L. 109–59, § 10113(7), added subsec. (f). Former subsec. (f) redesignated (d).

Subsec. (g). Pub. L. 109–59, § 10113(1), redesignated subsec. (g) as (e).

2004—Subsec. (a). Pub. L. 108–447 substituted ''2019'' for ''2009''.

Subsec. (b)(4). Pub. L. 108–310, § 9(b)(1), inserted heading and struck out former heading which read ''First 10 months of fiscal year 2004''.

Pub. L. 108–280, § 6(b), substituted ''fiscal year 2004'' for ''the period of October 1, 2003, through July 31, 2004'' and ''$82,000,000'' for ''$68,333,332'' in introductory provisions, ''$10,000,000'' for ''$8,333,332'' in subpar. (A), and ''$8,000,000'' for ''$6,666,668'' in subpar. (B) and directed amendment of heading by striking ''First 9 months of'', which could not be executed.

Pub. L. 108–263, § 6(b), substituted ''10 months'' for ''9 months'' in heading, ''July 31'' for ''April 30'' and ''$68,333,332'' for ''$61,499,999'' in introductory provisions, ''$8,333,332'' for ''$7,499,999'' in subpar. (A), and ''$6,666,668'' for ''$6,000,001'' in subpar. (B).

Pub. L. 108–224, § 6(b), substituted ''9 months'' for ''7 months'' in heading, ''$61,499,999'' for ''$47,833,333'' in introductory provisions, ''$7,499,999'' for ''$5,833,333'' in subpar. (A), and ''$6,000,001'' for ''$4,666,667'' in subpar. (B).

Pub. L. 108–202, § 7(b), amended heading and text of par. (4) generally, substituting provisions relating to use of funds for first 7 months of fiscal year 2004 for similar provisions relating to use of funds for first 5 months of fiscal year 2004.

Subsec. (b)(5), (6). Pub. L. 108–310, § 9(b)(2), (3), added par. (5) and redesignated former par. (5) as (6).

Subsec. (c)(6). Pub. L. 108–280, § 6(a), amended par. (6) generally. Prior to amendment, par. (6) read as follows: ''$8,333,332 for the period of October 1, 2003, through July 31, 2004;''.

Pub. L. 108–263, § 6(a), amended par. (6) generally. Prior to amendment, par. (6) read as follows: ''$7,499,999 for the period of October 1, 2003, through June 30, 2004;''.

Pub. L. 108–224, § 6(a), amended par. (6) generally. Prior to amendment, par. (6) read as follows: ''$5,833,333 for the period of October 1, 2003, through April 30, 2004;''.

Pub. L. 108–202, § 7(a), amended par. (6) generally. Prior to amendment, par. (6) read as follows: ''$4,166,667 for the period of October 1, 2003, through February 29, 2004;''.

Subsec. (c)(7). Pub. L. 108–310, § 9(a), added par. (7).

2003—Subsec. (b)(4), (5). Pub. L. 108–88, § 9(b), added par. (4) and redesignated former par. (4) as (5).

Subsec. (c)(6). Pub. L. 108–88, § 9(a), added par. (6).

2000—Subsec. (a). Pub. L. 106–377 and Pub. L. 106–408, § 123, amended subsec. (a) identically, substituting ''fiscal year 2009'' for ''fiscal year 2000''.

Subsec. (d). Pub. L. 106–408, § 121(a), added subsec. (d) and struck out former subsec. (d) which read as follows: ''Of the balance of each such annual appropriation remaining after the distribution and use under subsections (a), (b), and (c) of this section, respectively, so much, not to exceed 6 per centum of such balance, as the Secretary of the Interior may estimate to be necessary for his or her expenses in the conduct of necessary investigations, administration, and the execution of this chapter, for an outreach and communications program and for aiding in the formulation, adoption, or administration of any compact between two or more States for the conservation and management of migratory fishes in marine or freshwaters, shall be deducted for that purpose, and such sum is authorized to be made available until the expiration of the next succeeding fiscal year. Of the sum available to the Secretary of the Interior under this subsection for any fiscal year, up to $2,500,000 may be used for the National Outreach and Communications Program under section 777g(d) of this title in addition to the amount available for that program under subsection (c) of this section. No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this chap-

ter. The Secretary shall publish a detailed accounting of the projects, programs, and activities funded under this subsection annually in the Federal Register.''

Subsec. (e). Pub. L. 106–408, § 122(b), inserted ''and after deducting amounts used for grants under section 777m of this title,'' after ''respectively,'' in first sentence.

Subsec. (f). Pub. L. 106–408, § 124, struck out before period at end of first sentence '', and if unexpended or unobligated at the end of such year, such sum is hereby authorized to be made available for expenditure by the Secretary of the Interior in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation''.

Subsec. (g). Pub. L. 106–408, § 121(c), added subsec. (g).

1999—Subsec. (a). Pub. L. 106–74 substituted ''fiscal year 2000'' for ''fiscal year 1999'' in second sentence.

1998—Subsec. (b). Pub. L. 105–178, § 7403(a), as amended by Pub. L. 105–206, § 9012(b)(1), inserted heading and amended text generally, substituting provisions relating to fiscal years 1998 to 2003 for provisions relating to fiscal years 1993 to 1998.

Subsec. (b)(3)(B). Pub. L. 105–178, § 7403(b), as added by Pub. L. 105–206, § 9012(b)(2), made a technical amendment to reference in original act which appears in text as reference to section 777g–1(d) of this title.

Subsec. (c). Pub. L. 105–178, § 7402(b)(1), (2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 105–178, § 7402(b)(3)–(5), substituted ''subsections (a), (b), and (c) of this section,'' for ''subsections (a) and (b) of this section,'', inserted '', for an outreach and communications program'' after ''chapter'', and inserted at end ''Of the sum available to the Secretary of the Interior under this subsection for any fiscal year, up to $2,500,000 may be used for the National Outreach and Communications Program under section 777g(d) of this title in addition to the amount available for that program under subsection (c) of this section. No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this chapter. The Secretary shall publish a detailed accounting of the projects, programs, and activities funded under this subsection annually in the Federal Register.''

Pub. L. 105–178, § 7402(b)(1), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 105–178, § 7402(b)(6), substituted ''subsections (a), (b), (c), and (d) of this section'' for ''subsections (a), (b), and (c) of this section''.

Pub. L. 105–178, § 7402(b)(1), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 105–178, § 7402(b)(1), redesignated subsec. (e) as (f).

1992—Pub. L. 102–587 added subsecs. (a) to (c), inserted subsec. (d) designation and substituted ''The Secretary of the Interior, after the distribution, transfer, use, and deduction under subsections (a), (b), and (c) of this section, respectively, shall apportion the remainder of each such annual appropriation among the several States'' for ''So much, not to exceed 6 per centum, of each annual appropriation made in accordance with the provisions of section 777b of this title as the Secretary of the Interior may estimate to be necessary for his expenses in the conduct of necessary investigations, administration, and the execution of this chapter and for aiding in the formulation, adoption, or administration of any compact between two or more States for the conservation and management of migratory fishes in marine or freshwaters shall be deducted for that purpose, and such sum is authorized to be made available therefor until the expiration of the next succeeding fiscal year. The Secretary shall distribute 18 per centum of each annual appropriation made in accordance with the provisions of section 777b of this title as provided in the Coastal Wetlands Planning, Protection and Restoration Act: *Provided*, That, notwithstanding the provisions of section 777b of this title, such sums shall remain available to carry out such Act through fiscal year 1999. The Secretary of the Interior, after making the aforesaid deduction, shall apportion the remainder of the appropriation for each fiscal year among the several States'', and inserted subsec. (e) designation.

1990—Pub. L. 101–646 inserted after first sentence ''The Secretary shall distribute 18 per centum of each annual appropriation made in accordance with the provisions of section 777b of this title as provided in the Coastal Wetlands Planning, Protection and Restoration Act: *Provided*, That, notwithstanding the provisions of section 777b of this title, such sums shall remain available to carry out such Act through fiscal year 1999.''

1984—Pub. L. 98–369 revised deductible amount from not to exceed 8 per centum to not to exceed 6 per centum.

1976—Pub. L. 94–273 substituted ''September'' for ''June'', and ''October'' for ''July''.

1970—Pub. L. 91–503 changed method of apportionment of funds by striking out reference to ''to all the States'' and inserted definition of ''fiscal year''.

EFFECTIVE DATE OF 2005 AMENDMENTS

From Aug. 10, 2005, to end of fiscal year 2005, section considered to read as immediately before enactment of Pub. L. 109–59, except as provided by the amendments by sections 201 and 202 of Pub. L. 109–74, see section 101(b) of Pub. L. 109–74, set out as a note under section 777b of this title.

Amendment by Pub. L. 109–59 effective Oct. 1, 2005, see section 10102 of Pub. L. 109–59, set out as a note under section 777b of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105–206 effective simultaneously with enactment of Pub. L. 105–178 and to be treated as included in Pub. L. 105–178 at time of enactment, and provisions of Pub. L. 105–178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105–206 to be treated as not enacted, see section 9016 of Pub. L. 105–206, set out as a note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–369 effective Oct. 1, 1984, and applicable with respect to fiscal years beginning after Sept. 30, 1984, see section 1014(b) of Pub. L. 98–369, set out as a note under section 777 of this title.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see note set out under section 777 of this title.

§ 777d. Certification of funds deducted for expenses and amounts apportioned to States

For each fiscal year beginning with the fiscal year ending June 30, 1951, the Secretary of the Interior shall certify, at the time at which a deduction or apportionment is made, to the Secretary of the Treasury, and to each State fish and game department, the sum which he has estimated to be deducted for administering this chapter and the sum which he has apportioned to each State for such fiscal year.

(Aug. 9, 1950, ch. 658, § 5, 64 Stat. 432; Pub. L. 98–369, div. A, title X, § 1014(a)(4), July 18, 1984, 98 Stat. 1015; Pub. L. 106–408, title I, § 125, Nov. 1, 2000, 114 Stat. 1775.)

AMENDMENTS

2000—Pub. L. 106–408 inserted '', at the time at which a deduction or apportionment is made,'' after ''certify'' and struck out ''and executing'' after ''administering''.

1984—Pub. L. 98–369 struck out provisions relating to notice by the State to the Secretary of intention to accept, and use of funds where the State fails to accept.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–369 effective Oct. 1, 1984, and applicable with respect to fiscal years beginning after Sept. 30, 1984, see section 1014(b) of Pub. L. 98–369, set out as a note under section 777 of this title.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see note set out under section 777 of this title.

§ 777e. Submission and approval of plans and projects

(a) Apportionment of funds

Any State desiring to avail itself of the benefits of this chapter shall, by its State fish and game department, submit programs or projects for fish restoration in either of the following two ways:

(1) The State shall prepare and submit to the Secretary of the Interior a comprehensive fish and wildlife resource management plan which shall insure the perpetuation of these resources for the economic, scientific, and recreational enrichment of the people. Such plan shall be for a period of not less than five years and be based on projections of desires and needs of the people for a period of not less than fifteen years. It shall include provisions for updating at intervals of not more than three years and be provided in a format as may be required by the Secretary of the Interior. If the Secretary of the Interior finds that such plans conform to standards established by him and approves such plans, he may finance up to 75 per centum of the cost of implementing segments of those plans meeting the purposes of this chapter from funds apportioned under this chapter upon his approval of an annual agreement submitted to him.

(2) A State may elect to avail itself of the benefits of this chapter by its State fish and game department submitting to the Secretary of the Interior full and detailed statements of any fish restoration and management project proposed for that State. If the Secretary of the Interior finds that such project meets with the standards set by him and approves said project, the State fish and game department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require. If the Secretary of the Interior approves the plans, specifications, and estimates for the project, he shall notify the State fish and game department and immediately set aside so much of said appropriation as represents the share of the United States payable under this chapter on account of such project, which sum so set aside shall not exceed 75 per centum of the total estimated cost thereof.

The Secretary of the Interior shall approve only such comprehensive plans or projects as may be substantial in character and design and the expenditure of funds hereby authorized shall be applied only to such approved comprehensive fishery plan or projects and if otherwise applied they shall be replaced by the State before it may participate in any further apportionment under this chapter. No payment of any money apportioned under this chapter shall be made on any comprehensive fishery plan or project until an agreement to participate therein shall have been submitted to and approved by the Secretary of the Interior.

(b) "Project" defined

If the State elects to avail itself of the benefits of this chapter by preparing a comprehensive fish and wildlife plan under option (1) of subsection (a) of this section, then the term "project" may be defined for the purpose of this chapter as a fishery program, all other definitions notwithstanding.

(c) Costs

Administrative costs in the form of overhead or indirect costs for services provided by State central service activities outside of the State fish and game department charged against programs or projects supported by funds made available under this chapter shall not exceed in any one fiscal year 3 per centum of the annual apportionment to the State.

(d) Agreements to finance initial costs of acquisition of lands and construction of structures

The Secretary of the Interior may enter into agreements to finance up to 75 per centum of the initial costs of the acquisition of lands or interests therein and the construction of structures or facilities for[1] appropriations currently available for the purposes of this chapter; and to agree to finance up to 75 per centum of the remaining costs over such a period of time as the Secretary may consider necessary. The liability of the United States in any such agreement is contingent upon the continued availability of funds for the purposes of this chapter.

(Aug. 9, 1950, ch. 658, § 6, 64 Stat. 432; Pub. L. 91–503, title II, § 202, Oct. 23, 1970, 84 Stat. 1102; Pub. L. 98–369, div. A, title X, § 1014(a)(5), July 18, 1984, 98 Stat. 1016.)

AMENDMENTS

1984—Subsec. (d). Pub. L. 98–369 added subsec. (d).

1970—Subsec. (a). Pub. L. 91–503 added an alternative method of application for funds by submission of a comprehensive fish and wildlife resource management plan for a period of five years based on projections for fifteen years, to be updated every three years, laid down a maximum limit of assistance of 75 percent of the estimated cost of the implementation of plan, and in existing method of application struck out reference to Secretary of the Treasury and requirement that State pay 10 percent of costs.

Subsecs. (b), (c). Pub. L. 91–503 added subsecs. (b) and (c).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–369 effective Oct. 1, 1984, and applicable with respect to fiscal years beginning after Sept. 30, 1984, see section 1014(b) of Pub. L. 98–369, set out as a note under section 777 of this title.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see note set out under section 777 of this title.

§ 777e–1. New England Fishery Resources Restoration Act of 1990

(a) Short title

This section may be cited as the "New England Fishery Resources Restoration Act of 1990".

[1] So in original. Probably should be "from".

(b) Purposes

The purposes of this section are to—

(1) ensure timely and effective implementation of restoration plans and programs for Atlantic salmon and other fishery resources of selected river systems in New England;

(2) complete a study of fish passage impediments and requirements on small streams and rivers in New England; and

(3) develop an inventory of important fish and wildlife habitat and other natural areas of river basins in New England.

(c) Implementation of fishery resource restoration plans

The Director of the United States Fish and Wildlife Service, hereinafter referred to as the Director, in consultation with the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration shall formulate, establish and implement programs to restore and maintain nationally significant, interjurisdictional fishery resources originating in New England river systems, including the Connecticut, Thames, Pawcatuck, Merrimack, Saco, Androscoggin, Kennebec, Sheepscot, Duck Trap, St. George, Penobscot, Union, Narraguagus, Pleasant, Machias, Dennys, St. Croix, Meduxnekeag and Aroostock and their tributaries. These programs shall be in accordance with the schedule and responsibilities established in comprehensive basin-wide restoration plans prepared by the Director in cooperation with State, local, and other entities involved and interested in the conservation and management of the affected fishery resources. Preparation and periodic revision of restoration plans, and their implementation, shall be based on a Memorandum of Agreement for each restoration program which shall be entered into by the Director and cooperating entities. The Director shall prepare and submit to the House Committee on Merchant Marine and Fisheries and the Senate Committee on Environment and Public Works an annual report documenting activities undertaken and accomplishments achieved in fulfillment of this section, including an assessment of the prognosis for restoration of each of the stocks and species involved.

(d) Fish passage study

The Director shall conduct a study to identify impediments to upstream and downstream passage of fish in rivers and streams in the New England States due to dams that are not licensed by the Federal Energy Regulatory Commission or other human-caused obstructions. In addition, the study shall identify actions needed to alleviate those impediments where desirable and feasible. The study shall include, but not be limited to, identifying—

(1) all dams not licensed by the Federal Energy Regulatory Commission and other human-caused obstructions on New England rivers and streams where construction of upstream or downstream fish passage facilities or their removal would benefit fishery resources, including an estimate of the degree of benefits expected; and

(2) the proposed nature and size and estimated cost of appropriate fish passage facilities or other actions determined to be necessary and feasible or each dam or other obstruction identified in response to paragraph (1).

The Director shall provide notice to the public of the extent and nature of the study by publication of such information in major newspapers in the region and by other appropriate means. Within three years of November 16, 1990, the Director shall submit a report containing the findings, conclusions and recommendations of the study to the House Committee on Merchant Marine and Fisheries and the Senate Committee on Environment and Public Works.

(e) New England rivers fish and wildlife inventory

The Director shall inventory the natural values of river basins in New England, including the Connecticut, Pawcatuck, Acushnet, North and South (in Plymouth County, Massachusetts), Charles, Merrimack, Saco, Androscoggin, Kennebec, Penobscot, Union, St. Croix, and Aroostock Rivers and their tributaries, and identify fish and wildlife habitat in most need of protection or where public access to the rivers should be provided. In addition, the Director shall, in cooperation with appropriate State agencies and local governments and after providing notice and opportunity for public comment, identify appropriate public or private measures for providing the necessary protection or access for each area included in the inventory. Within two years of November 16, 1990, the Director shall submit a report containing the findings, conclusions, and recommendations of the inventory and assessment to the House Committee on Merchant Marine and Fisheries and the Senate Committee on Environment and Public Works.

(f) Authorization of appropriations

There are authorized to be appropriated to the Director—

(1) $5,000,000 per year for fiscal years 1991, 1992, 1993, 1994, and 1995 to implement fishery resource restoration plans and programs, except for activities related to the design and construction of fish passage facilities, as directed by subsection (c) of this section;

(2) $500,000 per year for fiscal years 1991, 1992, and 1993 to conduct the study required under subsection (d) of this section; and

(3) $500,000 to conduct the inventory and assessment required under section[1] (e) of this section.

(Pub. L. 101–593, title I, § 111, Nov. 16, 1990, 104 Stat. 2960.)

REFERENCES IN TEXT

This section, referred to in subsec. (b), was in the original ''this Act'', which probably was intended as a reference to New England Fishery Resources Restoration Act of 1990, section 111 of Pub. L. 101–593, title I, Nov. 16, 1990, 104 Stat. 2960, which is classified generally to this section.

CODIFICATION

Section was enacted as the New England Fishery Resources Restoration Act of 1990, and not as part of the

[1] So in original. Probably should be ''subsection''.

Fish Restoration and Management Projects Act which comprises this chapter.

ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. Committee on Merchant Marine and Fisheries of House of Representatives treated as referring to Committee on Resources of House of Representatives in case of provisions relating to fisheries, wildlife, international fishing agreements, marine affairs (including coastal zone management) except for measures relating to oil and other pollution of navigable waters, or oceanography by section 1(b)(3) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress. 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.

§ 777f. Payments by United States

(a) Payments and advances to States

When the Secretary of the Interior shall find that any project approved by him has been completed or, if involving research relating to fish, is being conducted, in compliance with said plans and specifications, he shall cause to be paid to the proper authority of said State the amount set aside for said project. The Secretary of the Interior may, in his discretion, from time to time, make payments on said project as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States' pro rata share of the project in conformity with said plans and specifications. If a State has elected to avail itself of the benefits of this chapter by preparing a comprehensive fish and wildlife plan as provided for under option (1) of subsection (a) of section 777e of this title, and this plan has been approved by the Secretary of the Interior, then the Secretary may, in his discretion, and under such rules and regulations, as he may prescribe, advance funds to the State for financing the United States' pro rata share agreed upon between the State fish and game department and the Secretary.

(b) Construction work; joint payments

Any construction work and labor in each State shall be performed in accordance with its laws and under the direct supervision of the State fish and game department, subject to the inspection and approval of the Secretary of the Interior and in accordance with the rules and regulations made pursuant to this chapter. The Secretary of the Interior and the State fish and game department of each State may jointly determine at what times and in what amounts payments shall be made under this chapter. Such payments shall be made against the said appropriation to such official or officials, or depository, as may be designated by the State fish and game department and authorized under the laws of the State to receive public funds of the State.

(Aug. 9, 1950, ch. 658, § 7, 64 Stat. 433; Pub. L. 91–503, title II, § 202, Oct. 23, 1970, 84 Stat. 1103.)

AMENDMENTS

1970—Pub. L. 91–503 divided existing provisions into subsecs. (a) and (b) and authorized advance payments by the Secretary to the States for financing the United States' pro rata share of the comprehensive fish and wildlife plan.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see note set out under section 777 of this title.

§ 777g. Maintenance of projects

(a) Duty of States; status of projects; title to property

To maintain fish-restoration and management projects established under the provisions of this chapter shall be the duty of the States according to their respective laws. Beginning July 1, 1953, maintenance of projects heretofore completed under the provisions of this chapter may be considered as projects under this chapter. Title to any real or personal property acquired by any State, and to improvements placed on State-owned lands through the use of funds paid to the State under the provisions of this chapter, shall be vested in such State.

(b) Funding requirements

(1) Each State shall allocate 15 percent of the funds apportioned to it for each fiscal year under section 777c of this title for the payment of up to 75 per centum of the costs of the acquisition, development, renovation, or improvement of facilities (and auxiliary facilities necessary to insure the safe use of such facilities) that create, or add to, public access to the waters of the United States to improve the suitability of such waters for recreational boating purposes. Notwithstanding this provision, States within a United States Fish and Wildlife Service Administrative Region may allocate more or less than 15 percent in a fiscal year, provided that the total regional allocation averages 15 percent over a 5 year period.

(2) So much of the funds that are allocated by a State under paragraph (1) in any fiscal year that remained unexpended or unobligated at the close of such year are authorized to be made available for the purposes described in paragraph (1) during the succeeding four fiscal years, but any portion of such funds that remain unexpended or unobligated at the close of such period are authorized to be made available for expenditure by the Secretary of the Interior to supplement the 57 percent of the balance of each annual appropriation to be apportioned among the States under section 777c(c) of this title.

(c) Aquatic resource education program; funding, etc.

Each State may use not to exceed 15 percent of the funds apportioned to it under section 777c of this title to pay up to 75 per centum of the costs of an aquatic resource education and outreach and communications program for the purpose of increasing public understanding of the Nation's water resources and associated aquatic life forms. The non-Federal share of such costs may not be derived from other Federal grant programs. The Secretary shall issue not later than the one hundred and twentieth day after the effective date of this subsection such regulations as he deems advisable regarding the criteria for such programs.

(d) National Outreach and Communications Program

(1) Implementation

Within 1 year after June 9, 1998, the Secretary of the Interior shall develop and implement, in cooperation and consultation with the Sport Fishing and Boating Partnership Council, a national plan for outreach and communications.

(2) Content

The plan shall provide—

(A) guidance, including guidance on the development of an administrative process and funding priorities, for outreach and communications programs; and

(B) for the establishment of a national program.

(3) Secretary may match or fund programs

Under the plan, the Secretary may obligate amounts available under subsection (a)(5) or subsection (b) of section 777c of this title—

(A) to make grants to any State or private entity to pay all or any portion of the cost of carrying out any outreach and communications program under the plan; or

(B) to fund contracts with States or private entities to carry out such a program.

(4) Review

The plan shall be reviewed periodically, but not less frequently than once every 3 years.

(e) State outreach and communications program

Within 12 months after the completion of the national plan under subsection (d)(1) of this section, a State shall develop a plan for an outreach and communications program and submit it to the Secretary. In developing the plan, a State shall—

(1) review the national plan developed under subsection (d) of this section;

(2) consult with anglers, boaters, the sportfishing and boating industries, and the general public; and

(3) establish priorities for the State outreach and communications program proposed for implementation.

(f) Pumpout stations and waste reception facilities

Amounts apportioned to States under section 777c of this title may be used to pay not more than 75 percent of the costs of constructing, renovating, operating, or maintaining pumpout stations and waste reception facilities (as those terms are defined in the Clean Vessel Act of 1992).

(g) Surveys

(1) National framework

Within 6 months after June 9, 1998, the Secretary, in consultation with the States, shall adopt a national framework for a public boat access needs assessment which may be used by States to conduct surveys to determine the adequacy, number, location, and quality of facilities providing access to recreational waters for all sizes of recreational boats.

(2) State surveys

Within 18 months after June 9, 1998, each State that agrees to conduct a public boat access needs survey following the recommended national framework shall report its findings to the Secretary for use in the development of a comprehensive national assessment of recreational boat access needs and facilities.

(3) Exception

Paragraph (2) does not apply to a State if, within 18 months after June 9, 1998, the Secretary certifies that the State has developed and is implementing a plan that ensures there are and will be public boat access adequate to meet the needs of recreational boaters on its waters.

(4) Funding

A State that conducts a public boat access needs survey under paragraph (2) may fund the costs of conducting that assessment out of amounts allocated to it as funding dedicated to motorboat access to recreational waters under subsection (b)(1) of this section.

(Aug. 9, 1950, ch. 658, § 8, 64 Stat. 433; Pub. L. 91–503, title II, § 202, Oct. 23, 1970, 84 Stat. 1103; Pub. L. 98–369, div. A, title X, § 1014(a)(6), July 18, 1984, 98 Stat. 1016; Pub. L. 102–587, title V, § 5604(b), Nov. 4, 1992, 106 Stat. 5088; Pub. L. 105–178, title VII, §§ 7402(c), 7404(b), June 9, 1998, 112 Stat. 484, 486; Pub. L. 105–206, title IX, § 9012(c), July 22, 1998, 112 Stat. 864; Pub. L. 109–59, title X, § 10114, Aug. 10, 2005, 119 Stat. 1928.)

REFERENCES IN TEXT

For effective date of this subsection, referred to in subsec. (c), see Effective Date of 1984 Amendment note below.

The Clean Vessel Act of 1992, referred to in subsec. (f), is subtitle F of title V of Pub. L. 102–587, Nov. 4, 1992, 106 Stat. 5086, which amended this section and section 777c of this title and enacted provisions set out as a note under section 1322 of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1322 of Title 33 and Tables.

AMENDMENTS

2005—Subsec. (b)(2). Pub. L. 109–59, § 10114(1), substituted "to supplement the 57 percent of the balance of each annual appropriation to be apportioned among the States under section 777c(c) of this title" for "in carrying out the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation".

Subsec. (d)(3). Pub. L. 109–59, § 10114(2), substituted "subsection (a)(5) or subsection (b)" for "subsection (c) or (d)" in introductory provisions.

1998—Subsec. (b)(1). Pub. L. 105–178, § 7402(c)(1), which directed the substitution of "15 percent" for "12½ percentum" wherever appearing, was executed by making the substitution for "12½ per centum" to reflect the probable intent of Congress.

Subsec. (c). Pub. L. 105–178, § 7402(c)(3), inserted "and communications" after "outreach".

Pub. L. 105–178, § 7402(c)(2), which directed the substitution of "15 percent" for "10 percentum", was executed by making the substitution for "10 per centum" to reflect the probable intent of Congress.

Subsecs. (d) to (f). Pub. L. 105–178, § 7402(c)(4), added subsecs. (d) and (e) and redesignated former subsec. (d) as (f).

Subsec. (g). Pub. L. 105–178, § 7404(b), as amended by Pub. L. 105–206, § 9012(c), added subsec. (g).

1992—Subsec. (b)(1). Pub. L. 102–587, § 5604(b)(1), substituted "12½ per centum" for "10 per centum" after "allocate" and inserted at end "Notwithstanding this

provision, States within a United States Fish and Wildlife Service Administrative Region may allocate more or less than 12½ per centum in a fiscal year, provided that the total regional allocation averages 12½ per centum over a 5 year period.''

Subsec. (b)(2). Pub. L. 102–587, § 5604(b)(2), substituted ''four fiscal years'' for ''fiscal year'' after first reference to ''succeeding'' and ''period'' for second reference to ''succeeding fiscal year''.

Subsec. (c). Pub. L. 102–587, § 5604(b)(3), inserted ''and outreach'' after ''education''.

Subsec. (d). Pub. L. 102–587, § 5604(b)(4), added subsec. (d).

1984—Pub. L. 98–369 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

1970—Pub. L. 91–503 struck out restriction that not more than 25 percent of the Federal funds be set aside for maintenance projects.

EFFECTIVE DATE OF 2005 AMENDMENTS

From Aug. 10, 2005, to end of fiscal year 2005, subsecs. (b)(2) and (d)(3) of this section considered to read as immediately before enactment of Pub. L. 109–59, see section 101(b) of Pub. L. 109–74, set out as a note under section 777b of this title.

Amendment by Pub. L. 109–59 effective Oct. 1, 2005, see section 10102 of Pub. L. 109–59, set out as a note under section 777b of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105–206 effective simultaneously with enactment of Pub. L. 105–178 and to be treated as included in Pub. L. 105–178 at time of enactment, and provisions of Pub. L. 105–178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105–206 to be treated as not enacted, see section 9016 of Pub. L. 105–206, set out as a note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–369 effective Oct. 1, 1984, and applicable with respect to fiscal years beginning after Sept. 30, 1984, see section 1014(b) of Pub. L. 98–369, set out as a note under section 777 of this title.

§ 777g–1. Boating infrastructure

(a) Purpose

The purpose of this section is to provide funds to States for the development and maintenance of facilities for transient nontrailerable recreational vessels.

(b) Omitted

(c) Plan

Within 6 months after submitting a survey to the Secretary under section 777g(g) of this title, a State may develop and submit to the Secretary a plan for the construction, renovation, and maintenance of facilities for transient nontrailerable recreational vessels, and access to those facilities, to meet the needs of nontrailerable recreational vessels operating on navigable waters in the State.

(d) Grant program

(1) Matching grants

The Secretary of the Interior shall obligate amounts made available under section 777c(a)(4) of this title to make grants to any State to pay not more than 75 percent of the cost to a State of constructing, renovating, or maintaining facilities for transient nontrailerable recreational vessels.

(2) Priorities

In awarding grants under paragraph (1), the Secretary shall give priority to projects that—

(A) consist of the construction, renovation, or maintenance of facilities for transient nontrailerable recreational vessels in accordance with a plan submitted by a State under subsection (c) of this section;

(B) provide for public/private partnership efforts to develop, maintain, and operate facilities for transient nontrailerable recreational vessels; and

(C) propose innovative ways to increase the availability of facilities for transient nontrailerable recreational vessels.

(e) Definitions

For purposes of this section, the term—

(1) ''nontrailerable recreational vessel'' means a recreational vessel 26 feet in length or longer—

(A) operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure;

(2) ''facilities for transient nontrailerable recreational vessels'' includes mooring buoys, day-docks, navigational aids, seasonal slips, safe harbors, or similar structures located on navigable waters, that are available to the general public (as determined by the Secretary of the Interior) and designed for temporary use by nontrailerable recreational vessels; and

(3) ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(Pub. L. 105–178, title VII, § 7404, June 9, 1998, 112 Stat. 486; Pub. L. 105–206, title IX, § 9012(c), July 22, 1998, 112 Stat. 864; Pub. L. 109–59, title X, § 10115, Aug. 10, 2005, 119 Stat. 1928.)

CODIFICATION

Section is comprised of section 7404 of Pub. L. 105–178. Subsec. (b) of section 7404 of Pub. L. 105–178, as amended by Pub. L. 105–206, § 9012(c), amended section 777g of this title.

Section was enacted as part of the Sportfishing and Boating Safety Act of 1998, and also as part of the Transportation Equity Act for the 21st Century, and not as part of the Fish Restoration and Management Projects Act which comprises this chapter.

AMENDMENTS

2005—Subsec. (d)(1). Pub. L. 109–59 substituted ''section 777c(a)(4) of this title'' for ''section 777c(b)(3)(B) of this title''.

1998—Subsec. (b). Pub. L. 105–206, § 9012(c), made a technical amendment to directory language of Pub. L. 105–178, § 7404(b). See Codification note above.

EFFECTIVE DATE OF 2005 AMENDMENTS

From Aug. 10, 2005, to end of fiscal year 2005, subsec. (d)(1) of this section considered to read as immediately before enactment of Pub. L. 109–59, see section 101(b) of Pub. L. 109–74, set out as a note under section 777b of this title.

Amendment by Pub. L. 109–59 effective Oct. 1, 2005, see section 10102 of Pub. L. 109–59, set out as a note under section 777b of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105–206 effective simultaneously with enactment of Pub. L. 105–178 and to be treated as included in Pub. L. 105–178 at time of enactment, and

provisions of Pub. L. 105–178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105–206 to be treated as not enacted, see section 9016 of Pub. L. 105–206, set out as a note under section 101 of Title 23, Highways.

§ 777h. Requirements and restrictions concerning use of amounts for expenses for administration

(a) Authorized expenses for administration

Except as provided in subsection (b) of this section, the Secretary of the Interior may use available amounts under section 777c(b) of this title only for expenses for administration that directly support the implementation of this chapter that consist of—

(1) personnel costs of employees who directly administer this chapter on a full-time basis;

(2) personnel costs of employees who directly administer this chapter on a part-time basis for at least 20 hours each week, not to exceed the portion of those costs incurred with respect to the work hours of the employee during which the employee directly administers this chapter, as those hours are certified by the supervisor of the employee;

(3) support costs directly associated with personnel costs authorized under paragraphs (1) and (2), excluding costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior other than for the purposes of this chapter;

(4) costs of determining under section 777e(a) of this title whether State comprehensive plans and projects are substantial in character and design;

(5) overhead costs, including the costs of general administrative services, that are directly attributable to administration of this chapter and are based on—

(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

(B) in the case of costs that are not determinable under subparagraph (A), an amount per full-time equivalent employee authorized under paragraphs (1) and (2) that does not exceed the amount charged or assessed for costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service;

(6) costs incurred in auditing, every 5 years, the wildlife and sport fish activities of each State fish and game department and the use of funds under section 777e of this title by each State fish and game department;

(7) costs of audits under subsection (d) of this section;

(8) costs of necessary training of Federal and State full-time personnel who administer this chapter to improve administration of this chapter;

(9) costs of travel to States, territories, and Canada by personnel who—

(A) administer this chapter on a full-time basis for purposes directly related to administration of State programs or projects; or

(B) administer grants under section 777e or 777m of this title;

(10) costs of travel outside the United States (except travel to Canada), by personnel who administer this chapter on a full-time basis, for purposes that directly relate to administration of this chapter and that are approved directly by the Assistant Secretary for Fish and Wildlife and Parks;

(11) relocation expenses for personnel who, after relocation, will administer this chapter on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time at which the relocation expenses are incurred; and

(12) costs to audit, evaluate, approve, disapprove, and advise concerning grants under sections 777e and 777m of this title.

(b) Reporting of other uses

(1) In general

Subject to paragraph (2), if the Secretary of the Interior determines that available amounts under section 777c(b) of this title should be used for an expense for administration other than an expense for administration described in subsection (a) of this section, the Secretary—

(A) shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the expense for administration and stating the amount of the expense; and

(B) may use any such available amounts for the expense for administration only after the end of the 30-day period beginning on the date of submission of the report under subparagraph (A).

(2) Maximum amount

For any fiscal year, the Secretary of the Interior may use under paragraph (1) not more than $25,000.

(c) Restriction on use to supplement general appropriations

The Secretary of the Interior shall not use available amounts under subsection (b) of this section to supplement the funding of any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

(d) Audit requirement

(1) In general

The Inspector General of the Department of the Interior shall procure the performance of biennial audits, in accordance with generally accepted accounting principles, of expenditures and obligations of amounts used by the Secretary of the Interior for expenses for administration incurred in implementation of this chapter.

(2) Auditor

(A) In general

An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in section 403 of title 41) by a person or entity that is not associated in any way with the Department of the Interior (except by way of

a contract for the performance of an audit or other review).

(B) Supervision of auditor

The auditor selected under subparagraph (A) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time at which the findings are submitted to the Inspector General of the Department of the Interior.

(3) Report to Congress

The Inspector General of the Department of the Interior shall promptly submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—

(A) a report on the results of each audit under this subsection; and

(B) a copy of each audit under this subsection.

(Aug. 9, 1950, ch. 658, § 9, 64 Stat. 433; Pub. L. 106–408, title I, § 121(b), Nov. 1, 2000, 114 Stat. 1770; Pub. L. 109–59, title X, § 10116, Aug. 10, 2005, 119 Stat. 1929.)

AMENDMENTS

2005—Subsecs. (a), (b)(1). Pub. L. 109–59 substituted ''section 777c(b)'' for ''section 777c(d)(1)'' in introductory provisions.

2000—Pub. L. 106–408 amended section generally. Prior to amendment, section read as follows: ''Out of the deductions set aside for administering and executing this chapter the Secretary of the Interior is authorized to employ such assistants, clerks, and other persons in the District of Columbia and elsewhere, to be taken from the eligible lists of the civil service; to rent or construct buildings outside of the District of Columbia; to purchase such supplies, materials, equipment, office fixtures, and apparatus; and to incur such travel and other expenses, including publication of technical and administrative reports, purchase, maintenance, and hire of passenger-carrying motor vehicles, as he may deem necessary for carrying out the provisions of this chapter.''

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.

EFFECTIVE DATE OF 2005 AMENDMENTS

From Aug. 10, 2005, to end of fiscal year 2005, subsecs. (a) and (b)(1) of this section considered to read as immediately before enactment of Pub. L. 109–59, see section 101(b) of Pub. L. 109–74, set out as a note under section 777b of this title.

Amendment by Pub. L. 109–59 effective Oct. 1, 2005, see section 10102 of Pub. L. 109–59, set out as a note under section 777b of this title.

§ 777i. Rules and regulations

The Secretary of the Interior is authorized to make rules and regulations for carrying out the provisions of this chapter.

(Aug. 9, 1950, ch. 658, § 10, 64 Stat. 434.)

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see note set out under section 777 of this title.

§ 777j. Repealed. Pub. L. 89–348, § 1(14), Nov. 8, 1965, 79 Stat. 1311

Section, act Aug. 9, 1950, ch. 658, § 11, 64 Stat. 434, required the Secretary of the Interior to make an annual report to the Congress giving detailed information as to the projects established under this chapter and expenditures therefor.

§ 777k. Payments of funds to and cooperation with Puerto Rico, the District of Columbia, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, and Virgin Islands

The Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture of Puerto Rico, the Mayor of the District of Columbia, the Governor of Guam, the Governor of American Samoa, the Governor of the Commonwealth of the Northern Mariana Islands, and the Governor of the Virgin Islands, in the conduct of fish restoration and management projects, as defined in section 777a of this title, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to Puerto Rico, the District of Columbia, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands, out of money available for apportionment under this chapter, such sums as he shall determine, not exceeding for Puerto Rico 1 per centum, for the District of Columbia one-third of 1 per centum, for Guam one-third of 1 per centum, for American Samoa one-third of 1 per centum, for the Commonwealth of the Northern Mariana Islands one-third of 1 per centum, and for the Virgin Islands one-third of 1 per centum of the total amount apportioned in any one year, but the Secretary shall in no event require any of said cooperating agencies to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpected or unobligated balance of any apportionment made pursuant to this section shall be made available for expenditure in Puerto Rico, the District of Columbia, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands, as the case may be, in the succeeding year, on any approved projects, and if unexpended or unobligated at the end of such year is authorized to be made available for expenditure by the Secretary of the Interior to supplement the 57 percent of the balance of each annual appropriation to be apportioned among the States under section 777c(b) of this title.

(Aug. 9, 1950, ch. 658, § 12, 64 Stat. 434; July 2, 1956, ch. 489, § 4, 70 Stat. 473; Aug. 1, 1956, ch. 852, § 8, 70 Stat. 908; Pub. L. 86–70, § 16, June 25, 1959, 73 Stat. 143; Pub. L. 91–503, title II, § 203, Oct. 23, 1970, 84 Stat. 1103; Pub. L. 96–597, title III, § 302(a), Dec. 24, 1980, 94 Stat. 3477; Pub. L. 98–369, div. A, title X, § 1014(a)(7), July 18, 1984, 98 Stat. 1016; Pub. L. 109–59, title X, § 10117, Aug. 10, 2005, 119 Stat. 1929.)

AMENDMENTS

2005—Pub. L. 109–59 substituted ''to supplement the 57 percent of the balance of each annual appropriation to be apportioned among the States under section 777c(b)

of this title'' for ''in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation'' before period at end.

1984—Pub. L. 98–369 inserted ''the Mayor of the District of Columbia,'' after ''the Secretary of Agriculture of Puerto Rico,'', ''for the District of Columbia one-third of 1 per centum,'' after ''for Puerto Rico 1 per centum,'' and ''the District of Columbia,'' after ''Puerto Rico,'' in two places.

1980—Pub. L. 96–597 inserted references to the Governor and the Commonwealth of the Northern Mariana Islands.

1970—Pub. L. 91–503 substituted ''Secretary of Agriculture of Puerto Rico'' for ''Commissioner of Agriculture and Commerce of Puerto Rico'', added American Samoa to the list of recipients, and substituted maximum limits of apportionment of one percent for Puerto Rico, one-third of one percent for Guam, one-third of one percent for American Samoa and one-third of one percent for Virgin Islands for maximum limit of $10,000 for Puerto Rico, Guam and Virgin Islands together.

1959—Pub. L. 86–70 struck out provisions which authorized cooperation with the Alaska Game Commission and permitted apportionment of not more than $75,000 in any one year to the Territory of Alaska.

1956—Act Aug. 1, 1956, inserted ''the Governor of Guam'' after ''Commissioner of Agriculture and Commerce of Puerto Rico,'' and ''Guam'' after ''Puerto Rico'' in three remaining places those words appear.

Act July 2, 1956, struck out provisions which authorized the Secretary to cooperate with the Division of Game and Fish of the Board of Commissioners of Agriculture and Forestry of Hawaii, struck out limitation of $25,000 on the amount of funds which could be apportioned to Hawaii in any one year, and substituted ''Territory of Alaska'' for ''Territories'' in two places.

EFFECTIVE DATE OF 2005 AMENDMENTS

From Aug. 10, 2005, to end of fiscal year 2005, section considered to read as immediately before enactment of Pub. L. 109–59, see section 101(b) of Pub. L. 109–74, set out as a note under section 777b of this title.

Amendment by Pub. L. 109–59 effective Oct. 1, 2005, see section 10102 of Pub. L. 109–59, set out as a note under section 777b of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–369 effective Oct. 1, 1984, and applicable with respect to fiscal years beginning after Sept. 30, 1984, see section 1014(b) of Pub. L. 98–369, set out as a note under section 777 of this title.

EFFECTIVE DATE OF 1956 AMENDMENT

Amendment by act July 2, 1956, as applicable only with respect to fiscal years beginning after July 2, 1956, see section 5 of act July 2, 1956, set out as a note under section 669a of this title.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see note set out under section 777 of this title.

§ 777*l*. State use of contributions

A State may use contributions of funds, real property, materials, and services to carry out an activity under this chapter in lieu of payment by the State of the State share of the cost of such activity. Such a State share shall be considered to be paid in an amount equal to the fair market value of any contribution so used.

(Aug. 9, 1950, ch. 658, § 13, as added Pub. L. 100–448, § 6(c)(2), Sept. 28, 1988, 102 Stat. 1841.)

CODIFICATION

Another section 13 of act Aug. 9, 1950, ch. 658, which was classified as a note under section 777 of this title, was repealed by Pub. L. 106–408, title I, § 122(a)(1), Nov. 1, 2000, 114 Stat. 1772.

EFFECTIVE DATE

Section effective Oct. 1, 1988, see section 6(e) of Pub. L. 100–448, set out as an Effective Date of 1988 Amendment note under section 777 of this title.

§ 777m. Multistate conservation grant program

(a) In general

(1) Amount for grants

Not more than $3,000,000 of each annual appropriation made in accordance with the provisions of section 777b of this title shall be distributed to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.

(2) Period of availability; apportionment

(A) Period of availability

Amounts made available under paragraph (1) shall remain available for making grants only for the first fiscal year for which the amount is made available and the following fiscal year.

(B) Apportionment

At the end of the period of availability under subparagraph (A), the Secretary of the Interior shall apportion any amounts that remain available among the States in the manner specified in section 777c(c) of this title for use by the States in the same manner as funds apportioned under section 777c(c) of this title.

(b) Selection of projects

(1) States or entities to be benefited

A project shall not be eligible for a grant under this section unless the project will benefit—

(A) at least 26 States;

(B) a majority of the States in a region of the United States Fish and Wildlife Service; or

(C) a regional association of State fish and game departments.

(2) Use of submitted priority list of projects

The Secretary of the Interior may make grants under this section only for projects identified on a priority list of sport fish restoration projects described in paragraph (3).

(3) Priority list of projects

A priority list referred to in paragraph (2) is a priority list of sport fish restoration projects that the International Association of Fish and Wildlife Agencies—

(A) prepares through a committee comprised of the heads of State fish and game departments (or their designees), in consultation with—

(i) nongovernmental organizations that represent conservation organizations;

(ii) sportsmen organizations; and

(iii) industries that fund the sport fish restoration programs under this chapter;

(B) approves by vote of a majority of the heads of State fish and game departments (or their designees); and

(C) not later than October 1 of each fiscal year, submits to the Assistant Director for Wildlife and Sport Fish Restoration Programs.

(4) Publication

The Assistant Director for Wildlife and Sport Fish Restoration Programs shall publish in the Federal Register each priority list submitted under paragraph (3)(C).

(c) Eligible grantees

(1) In general

The Secretary of the Interior may make a grant under this section only to—

(A) a State or group of States;

(B) the United States Fish and Wildlife Service, or a State or group of States, for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and

(C) subject to paragraph (2), a nongovernmental organization.

(2) Nongovernmental organizations

(A) In general

Any nongovernmental organization that applies for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization—

(i) will not use the grant funds to fund, in whole or in part, any activity of the organization that promotes or encourages opposition to the regulated taking of fish; and

(ii) will use the grant funds in compliance with subsection (d) of this section.

(B) Penalties for certain activities

Any nongovernmental organization that is found to use grant funds in violation of subparagraph (A) shall return all funds received under this section and be subject to any other applicable penalties under law.

(d) Use of grants

A grant under this section shall not be used, in whole or in part, for an activity, project, or program that promotes or encourages opposition to the regulated taking of fish.

(e) Funding for other activities

Of amounts made available under section 777c(b) of this title for each fiscal year—

(1) $200,000 shall be made available for each of—

(A) the Atlantic States Marine Fisheries Commission;

(B) the Gulf States Marine Fisheries Commission;

(C) the Pacific States Marine Fisheries Commission; and

(D) the Great Lakes Fisheries Commission; and

(2) $400,000 shall be made available for the Sport Fishing and Boating Partnership Council established by the United States Fish and Wildlife Service.

(f) Nonapplicability of Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any activity carried out under this section.

(Aug. 9, 1950, ch. 658, § 14, as added Pub. L. 106–408, title I, § 122(a), Nov. 1, 2000, 114 Stat. 1772; amended Pub. L. 109–59, title X, § 10118, Aug. 10, 2005, 119 Stat. 1929; Pub. L. 109–241, title IX, § 901(r)(2), July 11, 2006, 120 Stat. 566.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (f), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109–241, which directed amendment of subsec. (a)(1) by substituting ''Not more than'' for ''For each of the fiscal years 2006 through 2009, not more than'', was executed by making the substitution for ''For each of fiscal years 2006 through 2009, not more than'' to reflect the probable intent of Congress.

2005—Subsec. (a)(1). Pub. L. 109–59, § 10118(1), reenacted subsec. (a) and par. (1) headings without change and amended text of par. (1) generally. Prior to amendment, text read as follows: ''Of the balance of each annual appropriation made under section 777b of this title remaining after the distribution and use under subsections (a), (b), and (c) of section 777c of this title in a fiscal year, not more than $3,000,000 shall be available to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.''

Subsec. (a)(2)(B). Pub. L. 109–59, § 10118(2), substituted ''section 777c(c)'' for ''section 777c(e)'' in two places.

Subsec. (e). Pub. L. 109–59, § 10118(3), added introductory provisions and struck out former introductory provisions which read as follows: ''Of the balance of each annual appropriation made under section 777b of this title remaining after the distribution and use under subsections (a), (b), and (c) of section 777c of this title for each fiscal year and after deducting amounts used for grants under subsection (a) of this section—''.

EFFECTIVE DATE OF 2005 AMENDMENTS

From Aug. 10, 2005, to end of fiscal year 2005, subsecs. (a)(1), (2)(B) and (e) of this section considered to read as immediately before enactment of Pub. L. 109–59, see section 101(b) of Pub. L. 109–74, set out as a note under section 777b of this title.

Amendment by Pub. L. 109–59 effective Oct. 1, 2005, see section 10102 of Pub. L. 109–59, set out as a note under section 777b of this title.

§ 777n. Expenditure of remaining balance in Boat Safety Account

Amounts remaining in the Boat Safety Account on October 1, 2005, and amounts thereafter credited to the Account under section 9602(b) of title 26, shall be available, without further appropriation, for making expenditures before October 1, 2010, to carry out the purposes of this section and shall be distributed as follows:

(1) In fiscal year 2006, $28,155,000 shall be distributed—

(A) under section 777c of this title in the following manner:

(i) $11,200,000 to be added to funds available under subsection (a)(2) of that section;

(ii) $1,245,000 to be added to funds available under subsection (a)(3) of that section;

(iii) $1,245,000 to be added to funds available under subsection (a)(4) of that section;

(iv) $1,245,000 to be added to funds available under subsection (a)(5) of that section; and

(v) $12,800,000 to be added to funds available under subsection (c) of that section; and

(B) under section 777m of this title, $420,000, to be added to funds available under subsection (a)(1) of that section.

(2) In fiscal year 2007, $22,419,000 shall be distributed—

(A) under section 777c of this title in the following manner:

(i) $8,075,000 to be added to funds available under subsection (a)(2) of that section;

(ii) $713,000 to be added to funds available under subsection (a)(3) of that section;

(iii) $713,000 to be added to funds available under subsection (a)(4) of that section;

(iv) $713,000 to be added to funds available under subsection (a)(5) of that section; and

(v) $11,925,000 to be added to funds available under subsection (c) of that section; and

(B) under section 777m of this title, $280,000 to be added to funds available under subsection (a)(1) of that section.

(3) In fiscal year 2008, $17,139,000 shall be distributed—

(A) under section 777c of this title in the following manner:

(i) $6,800,000 to be added to funds available under subsection (a)(2) of that section;

(ii) $333,000 to be added to funds available under subsection (a)(3) of that section;

(iii) $333,000 to be added to funds available under subsection (a)(4) of that section;

(iv) $333,000 to be added to funds available under subsection (a)(5) of that section; and

(v) $9,200,000 to be added to funds available under subsection (c) of that section; and

(B) under section 777m of this title, $140,000, to be added to funds available under subsection (a)(1) of that section.

(4) In fiscal year 2009, $12,287,000 shall be distributed—

(A) under section 777c of this title in the following manner:

(i) $5,100,000 to be added to funds available under subsection (a)(2) of that section;

(ii) $48,000 to be added to funds available under subsection (a)(3) of that section;

(iii) $48,000 to be added to funds available under subsection (a)(4) of that section;

(iv) $48,000 to be added to funds available under subsection (a)(5) of that section; and

(v) $6,900,000 to be added to funds available under subsection (c) of that section; and

(B) under section 777m of this title, $143,000, to be added to funds available under subsection (a)(1) of that section.

(5) In fiscal year 2010, all remaining funds in the Account shall be distributed under section 777c of this title in the following manner:

(A) one-third to be added to funds available under subsection (a)(2) of that section; and

(B) two-thirds to be added to funds available under subsection (c) of that section.

(Aug. 9, 1950, ch. 658, § 15, as added Pub. L. 109–59, title X, § 10119, Aug. 10, 2005, 119 Stat. 1929; amended Pub. L. 109–74, title I, § 103, Sept. 29, 2005, 119 Stat. 2031.)

CODIFICATION

The amendments by Pub. L. 109–74 were directed to section 10119 of Pub. L. 109–59 ''in the text proposed to be inserted as section 15 of the Dingell-Johnson Sport Fish Restoration Act'' (this section). Those amendments were effective on enactment of Pub. L. 109–74 (Sept. 29, 2005) and were incorporated into the text of this section when it became effective on Oct. 1, 2005. See Effective Date notes below.

PRIOR PROVISIONS

A prior section 15 of act Aug. 9, 1950, was renumbered section 16 and is set out as a note under section 777 of this title.

AMENDMENTS

2005—Par. (1)(A)(v). Pub. L. 109–74, § 103(2), substituted ''subsection (c) of that section'' for ''subsection (b) of that section''.

Par. (2)(A)(v). Pub. L. 109–74, § 103(1), (2), substituted ''subsection (c) of that section'' for ''subsection (b) of this Act''.

Pars. (3)(A)(v), (4)(A)(v). Pub. L. 109–74, § 103(2), substituted ''subsection (c) of that section'' for ''subsection (b) of that section''.

Par. (5)(A). Pub. L. 109–74, § 103(3)(A), substituted ''subsection (a)(2) of that section'' for ''subsection (b)''.

Par. (5)(B). Pub. L. 109–74, § 103(3)(B), substituted ''subsection (c) of that section'' for ''subsection (h)''.

EFFECTIVE DATE

From Aug. 10, 2005, to the end of fiscal year 2005, the provisions of law amended by section 10119 of Pub. L. 109–59, which added section 15 (this section) to the Dingell-Johnson Sport Fish Restoration Act, to be considered to read as immediately before enactment of Pub. L. 109–59, see section 101(b) of Pub. L. 109–74, set out as an Effective Date of 2005 Amendment note under section 777b of this title.

Section effective Oct. 1, 2005, see section 10102 of Pub. L. 109–59, set out as an Effective Date of 2005 Amendments note under section 777b of this title.

CHAPTER 10C—FISH RESEARCH AND EXPERIMENTATION PROGRAM

Sec.
778. Establishment of experiment stations; purpose of research.
778a. Acquisition of lands; construction of buildings; employment of personnel; cooperation with other agencies; publication of results.
778b. Cooperation with Secretary of the Interior.
778c. Authorization of appropriations.
778d to 778h. Omitted.

§ 778. Establishment of experiment stations; purpose of research

The Secretary of Agriculture shall establish 1 or more centers for the purpose of carrying on a program of research and experimentation—