

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 2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012, 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) 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 Interior for 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 2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012, 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)² of this section for the fiscal year.

(c) Apportionment among States

The Secretary³ 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

² See References in Text note below.

³ So in original. Probably should be followed by a comma.

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

than 5 percent of the total amount apportioned. Where the apportionment to any State under this section is less than \$4,500 annually, the Secretary 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,⁴ 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; Pub. L. 111-147, title IV, § 423(b), Mar. 18, 2010, 124 Stat. 87; Pub. L. 111-322, title II, § 2203(b), Dec. 22, 2010, 124 Stat. 3526; Pub. L. 112-5, title II, § 203(b), Mar. 4, 2011, 125 Stat. 17; Pub. L. 112-30, title I, § 123(b), Sept. 16, 2011, 125 Stat. 349.)

REFERENCES IN TEXT

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, 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

2011—Subsec. (a). Pub. L. 112-30, § 123(b)(1), substituted “2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012,” for “2011,” in introductory provisions.

Pub. L. 112-5, § 203(b)(1), substituted “through 2011,” for “through 2010, and for the period beginning on October 1, 2010, and ending on March 4, 2011,” in introductory provisions.

Subsec. (b)(1)(A). Pub. L. 112-30, § 123(b)(2), substituted “2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012,” for “2011.”

Pub. L. 112-5, § 203(b)(2), substituted “through 2011,” for “through 2010, and for the period beginning on October 1, 2010, and ending on March 4, 2011.”

2010—Subsec. (a). Pub. L. 111-322, § 2203(b), substituted “For each of fiscal years 2006 through 2010, and for the period beginning on October 1, 2010, and ending on March 4, 2011, 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) and for multistate conservation grants under section 777m of this title shall be distributed as follows:” for introductory provisions which read as follows: “For each of fiscal years 2006 through 2010 and for the period beginning on October 1, 2010, and ending on December 31, 2010, 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:”

Pub. L. 111-147, § 423(b)(1), which directed substitution of “2010 and for the period beginning on October 1, 2010,

⁴So in original. Probably should be “paragraphs.”

and ending on December 31, 2010," for "2009," in introductory provisions, was executed by making the substitution for "2009," the first place it appeared.

Subsec. (b)(1)(A). Pub. L. 111-322, §2203(b)(2), substituted "From the annual appropriation made in accordance with section 777b of this title, for each of fiscal years 2006 through 2010, and for the period beginning on October 1, 2010, and ending on March 4, 2011, 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," for "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., 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."

Pub. L. 111-147, §423(b)(2), which directed substitution of "and for the period beginning on October 1, 2010, and ending on December 31, 2010," for "2010," could not be executed because "2010," did not appear.

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 expenses 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: “\$4,666,667 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 chapter. 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.