

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.

§ 777l. 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; Pub. L. 111-281, title IX, §903(a)(3), Oct. 15, 2010, 124 Stat. 3010.)

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

2010—Subsec. (a)(1). Pub. L. 111-281 made technical correction to directory language of Pub. L. 109-241, §901(r)(2). See 2006 Amendment note below.

2006—Subsec. (a)(1). Pub. L. 109-241, §901(r)(2), as amended by Pub. L. 111-281, substituted “Not more than” for “For each of fiscal years 2006 through 2009, not more than”.

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 2010 AMENDMENT

Pub. L. 111-281, title IX, §903(a), Oct. 15, 2010, 124 Stat. 3010, provided that the amendment by section 903(a)(3) is effective with enactment of Pub. L. 109-241.

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.