

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 enhance 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

Act Aug. 31, 1951, ch. 375, title I, §101, 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 fiscal year through 2014, 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 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.

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

(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 fiscal year through 2014, 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

² See References in Text note below.

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