

(3) the term “State fish and game department” or “State fish and wildlife department” means 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 or State fish and wildlife department.

(4) the term “wildlife” means any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range;

(5) the term “wildlife-associated recreation” means projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, field trialing, trail heads, and access for such projects;

(6) the term “wildlife conservation and restoration program” means a program developed by a State fish and wildlife department and approved by the Secretary under section 669c(d)<sup>1</sup> of this title, the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this chapter,<sup>1</sup> and maintenance of such projects;

(7) the term “wildlife conservation education” means projects, including public outreach, intended to foster responsible natural resource stewardship; and

(8) the term “wildlife-restoration project” includes the wildlife conservation and restoration program and means the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition 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 also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects.

(Sept. 2, 1937, ch. 899, §2, 50 Stat. 917; July 2, 1956, ch. 489, §1, 70 Stat. 473; Pub. L. 86-624, §10, July 12, 1960, 74 Stat. 412; Pub. L. 106-553, §1(a)(2) [title IX, §902(c)], Dec. 21, 2000, 114 Stat. 2762, 2762A-119.)

#### REFERENCES IN TEXT

Section 669c(d) of this title, referred to in par. (6), was in the original “section 304(d)”, and was translated as

<sup>1</sup> See References in Text note below.

reading “section 4(d)”, meaning section 4(d) of Act Sept. 2, 1937, ch. 899, to reflect the probable intent of Congress, because Act Sept. 2, 1937, ch. 899, does not contain a section 304(d), and section 4(d) relates to wildlife conservation and restoration programs.

This chapter, referred to in par. (6), was in the original “this title”, and was translated as reading “this Act”, meaning Act Sept. 2, 1937, ch. 899, to reflect the probable intent of Congress, because Act Sept. 2, 1937, ch. 899, which enacted this chapter, does not contain titles.

#### AMENDMENTS

2000—Pub. L. 106-553 inserted section catchline and amended text generally. Prior to amendment, text read as follows: “For the purposes of this chapter the term ‘wildlife-restoration project’ shall be construed to mean and include the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, 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 also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects; 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.”

1960—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

Act July 2, 1956, ch. 489, §5, 70 Stat. 473, provided in part that: “The amendments made by this Act [amending this section and sections 669g-1, 777a, and 777k of this title] shall be applicable only with respect to fiscal years beginning after the passage of this Act [July 2, 1956].”

### § 669b. Authorization of appropriations

#### (a) In general

(1) An amount equal to all revenues accruing each fiscal year (beginning with the fiscal year 1975) from any tax imposed on specified articles by sections 4161(b) and 4181 of title 26, shall, subject to the exemptions in section 4182 of such title, be covered into the Federal aid to wildlife restoration fund in the Treasury (hereinafter referred to as the “fund”) and is authorized to be appropriated and made available until expended to carry out the purposes of this chapter. So much of such appropriations 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 in carrying out the provisions of the Migratory Bird Conservation Act [16 U.S.C. 715 et seq.].

(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be

known as the “Wildlife Conservation and Restoration Account”. There are authorized to be appropriated for the purposes of the Wildlife Conservation and Restoration Account \$50,000,000 in fiscal year 2001 for apportionment in accordance with this chapter to carry out State wildlife conservation and restoration programs. Further, interest on amounts transferred shall be treated in a manner consistent with 16 U.S.C. 669(b)(1).<sup>1</sup>

**(b) Investment of unexpended amounts**

(1) The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the fund as is not, in his judgment, required for meeting a current year’s withdrawals. For purposes of such investment, the Secretary of the Treasury may—

(A) acquire obligations at the issue price and purchase outstanding obligations at the market price; and

(B) sell obligations held in the fund at the market price.

(2) The interest on obligations held in the fund—

(A) shall be credited to the fund;

(B) constitute the sums available for allocation by the Secretary under section 4407 of this title; and

(C) shall become available for apportionment under this chapter at the beginning of fiscal year 2016.

**(c) Wildlife Conservation and Restoration Account**

(1) Amounts transferred to the Wildlife Conservation and Restoration Account shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

(2) Funds may be used by a State or an Indian tribe for the planning and implementation of its wildlife conservation and restoration program and wildlife conservation strategy, as provided in sections 669c(d) and (e)<sup>2</sup> of this title, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

(3) Priority for funding from the Wildlife Conservation and Restoration Account shall be for those species with the greatest conservation need as defined by the State wildlife conservation and restoration program.

**(d) Obligation of amounts in State**

Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the Wildlife Conservation and Restoration Account, so much of such amounts apportioned to any State for any fiscal year as remains unexpended at the close thereof shall remain available for obligation in that State until the close of the second succeeding fiscal year.

(Sept. 2, 1937, ch. 899, § 3, 50 Stat. 917; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Pub. L. 91-503, title I, § 101, Oct. 23, 1970, 84 Stat. 1097; Pub. L. 92-558, title I, § 101(a), Oct. 25, 1972, 86 Stat. 1172; Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 101-233, § 7(a)(1), Dec. 13, 1989, 103 Stat. 1974; Pub. L. 106-553, § 1(a)(2) [title IX, § 902(d)], Dec. 21, 2000, 114 Stat. 2762, 2762A-120; Pub. L. 109-75, § 1, Sept. 29, 2005, 119 Stat. 2034.)

REFERENCES IN TEXT

The Migratory Bird Conservation Act, referred to in subsec. (a), is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§ 715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 715 of this title and Tables.

AMENDMENTS

2005—Subsec. (b)(2)(C). Pub. L. 109-75 substituted “2016” for “2006”.

2000—Subsec. (a). Pub. L. 106-553, § 1(a)(2) [title IX, § 902(d)(1)], designated existing provisions as par. (1) and added par. (2).

Subsecs. (c), (d). Pub. L. 106-553, § 1(a)(2) [title IX, § 902(d)(2)], added subsecs. (c) and (d).

1989—Pub. L. 101-233 designated existing provisions as subsec. (a) and added subsec. (b).

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.

1972—Pub. L. 92-558 substituted “(beginning with the fiscal year 1975)” for “(beginning with the fiscal year 1971)” and inserted reference to section 4161(b) of title 26.

1970—Pub. L. 91-503 inserted provisions for the deposit of the 10 per cent tax on pistols and revolvers under section 4181 of title 26 into the Federal aid to wildlife restoration fund beginning in fiscal year 1971.

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-233, § 7(a)(3), Dec. 13, 1989, 103 Stat. 1975, provided that: “The amendments made by this subsection of this Act [amending this section and section 669c of this title] take effect October 1, 1989.”

EFFECTIVE DATE OF 1972 AMENDMENT

Pub. L. 92-558, title I, § 101(c), Oct. 25, 1972, 86 Stat. 1172, as amended by Pub. L. 93-313, June 8, 1974, 88 Stat. 238, provided that: “The amendments made by subsections (a) and (b) [amending this section and section 669c of this title] of this section shall take effect January 1, 1975.”

TRANSFER OF FUNCTIONS

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, transferred functions of Secretary of Agriculture relating to conservation of wildlife, game, and migratory birds to Secretary of the Interior.

**§ 669b-1. Authorization of appropriation of accumulated unappropriated receipts**

There is hereby authorized to be appropriated, out of the Federal aid to wildlife restoration

<sup>1</sup>So in original. Probably should be “paragraph (1) of subsection (b)”.

<sup>2</sup>So in original. Section 669c of this title does not contain a subsec. (e).