

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 by the Secretary of the Treasury, on warrants drawn by the Secretary of the Interior against the said fund 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.

(Sept. 2, 1937, ch. 899, § 7, 50 Stat. 919; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Pub. L. 91-503, title I, § 102, Oct. 23, 1970, 84 Stat. 1100.)

#### AMENDMENTS

1970—Pub. L. 91-503 divided existing provisions into subsecs. (a) and (b), permitted advance payments to the States for work which has been adequately defined in a comprehensive fish and wildlife plan, and struck out reference to progress payments in provision covering joint determination of time and amounts of payments.

#### 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.

#### § 669g. Maintenance of projects; expenditures for management of wildlife areas and resources

(a) Maintenance of wildlife-restoration projects established under the provisions of this chapter shall be the duty of the States in accordance with their respective laws. Beginning July 1, 1945, the term "wildlife-restoration project", as defined in section 669a of this title, shall include maintenance of completed projects. Notwithstanding any other provisions of this chapter, funds apportioned to a State under this chapter may be expended by the State for management (exclusive of law enforcement and public relations) of wildlife areas and resources. Funds from the Wildlife Conservation and Restoration Account may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.

(b) Each State may use the funds apportioned to it under section 669c(c)<sup>1</sup> of this title to pay up to 75 per centum of the costs of a hunter safety program and the construction, operation, and maintenance of public target ranges, as a part of such program. The non-Federal share of such costs may be derived from license fees paid by hunters, but not from other Federal grant programs. The Secretary shall issue not later than the 120th day after the effective date of this subsection such regulations as he deems advisable relative to the criteria for the establishment of hunter safety programs and public target ranges under this subsection.

(Sept. 2, 1937, ch. 899, § 8, 50 Stat. 919; July 24, 1946, ch. 605, § 2, 60 Stat. 656; Aug. 12, 1955, ch. 861, § 2, 69 Stat. 698; Pub. L. 91-503, title I, § 102, Oct.

23, 1970, 84 Stat. 1100; Pub. L. 92-558, title I, § 102(a), Oct. 25, 1972, 86 Stat. 1173; Pub. L. 106-408, title I, § 111(c), Nov. 1, 2000, 114 Stat. 1766; Pub. L. 106-553, § 1(a)(2) [title IX, § 902(g)], Dec. 21, 2000, 114 Stat. 2762, 2762A-124.)

#### REFERENCES IN TEXT

The effective date of this subsection, referred to in subsec. (b), probably means Oct. 23, 1970, the date of approval of Pub. L. 91-503 which added subsec. (b).

#### AMENDMENTS

2000—Subsec. (a). Pub. L. 106-553 inserted at end "Funds from the Wildlife Conservation and Restoration Account may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife."

Subsec. (b). Pub. L. 106-408 substituted "section 669c(c) of this title" for "section 669c(b) of this title" in first sentence.

1972—Subsec. (b). Pub. L. 92-558 substituted "public target ranges" for "public outdoor target ranges" in two places.

1970—Pub. L. 91-503 designated existing provisions as subsec. (a), struck out the 25 percent limitation on the use of Federal funds for wildlife restoration projects and the 30 percent limitation on the use of Federal funds for the management of wild life areas and resources, and added subsec. (b).

1955—Act Aug. 12, 1955, permitted expenditure of funds for management of wildlife areas and resource.

1946—Act July 24, 1946, inserted proviso defining "wildlife-restoration project".

#### EFFECTIVE DATE OF 1972 AMENDMENT

Pub. L. 92-558, title I, § 102(b), Oct. 25, 1972, 86 Stat. 1173, provided that: "The amendments made by subsection (a) of this section [amending this section] shall take effect on the date of the enactment of this Act [Oct. 25, 1972]."

#### § 669g-1. Payment of funds to and cooperation with Puerto Rico, 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 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 wildlife-restoration projects, as defined in section 669a of this title, and hunter safety programs as provided by section 669g(b) of this title, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands, out of the money available for apportionment under this chapter, such sums as he shall determine, not exceeding for Puerto Rico one-half of 1 per centum, for Guam one-sixth of 1 per centum, for American Samoa one-sixth of one per centum, for the Commonwealth of the Northern Mariana Islands one-sixth of 1 per centum, and for the Virgin Islands one-sixth 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 unexpended or unobli-

<sup>1</sup> Probably means section 669c(c) relating to apportionment of certain taxes.

gated balance of any apportionment made pursuant to this section shall be available for expenditure in Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands, as the case may be, in the succeeding year, on any approved project, 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 in carrying out the provisions of the Migratory Bird Conservation Act [16 U.S.C. 715 et seq.].

(Sept. 2, 1937, ch. 899, §8A, formerly §8(a), as added Aug. 18, 1941, ch. 367, 55 Stat. 632; amended Aug. 3, 1950, ch. 523, 64 Stat. 399; July 2, 1956, ch. 489, §2, 70 Stat. 473; Aug. 1, 1956, ch. 852, §7, 70 Stat. 908; Pub. L. 86-70, §15, June 25, 1959, 73 Stat. 143; renumbered §8A and amended Pub. L. 91-503, title I, §102, Oct. 23, 1970, 84 Stat. 1101; Pub. L. 96-597, title III, §302(b), Dec. 24, 1980, 94 Stat. 3478; Pub. L. 98-347, §2(a), July 9, 1984, 98 Stat. 321; Pub. L. 99-396, §8(a), Aug. 27, 1986, 100 Stat. 839.)

#### REFERENCES IN TEXT

The Migratory Bird Conservation Act, referred to in text, 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

1986—Pub. L. 99-396 inserted reference to hunter safety programs as provided by section 669g(b) of this title.

1984—Pub. L. 98-347 inserted “the Governor of American Samoa,” after “the Governor of Guam,” “American Samoa,” after “Puerto Rico, Guam,” in two places, and “for American Samoa one-sixth of one per centum,” after “for Guam one-sixth of 1 per centum.”

1980—Pub. L. 96-597 inserted references to Governor and 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” and substituted maximum limits of apportionment of one half of one percent to Puerto Rico, one sixth of one percent each to the Virgin Islands and Guam, for maximum limit of apportionment of \$10,000 for the three governments 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” where they appeared in the three remaining places.

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, removed the 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.

1950—Act Aug. 3, 1950, increased funds allocated annually to Alaska and Hawaii from \$25,000 to \$10,000, respectively, to \$75,000 and \$25,000.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-347, §2(b), July 9, 1984, 98 Stat. 322, provided that: “The amendments made by subsection (a) [amending this section] shall take effect October 1, 1984.”

#### EFFECTIVE DATE OF 1956 AMENDMENT

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

#### INCREASE OF ANNUAL APPORTIONMENTS

Act May 19, 1956, ch. 313, ch. VI, §601, 70 Stat. 169, authorized increases of not more than 20 percent in the annual appropriations for the former territories of Alaska and Hawaii, and Puerto Rico and the Virgin Islands.

### § 669h. 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 669c(a)(1) 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 669e(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 669e 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;