

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;

(9) costs of travel to States, territories, and Canada by personnel who—

(A) administer this chapter on a full-time basis for purposes directly related to administration of State programs or projects; or

(B) administer grants under section 669e, 669h-1, or 669h-2 of this title;

(10) costs of travel outside the United States (except travel to Canada), by personnel who administer this chapter on a full-time basis, for purposes that directly relate to administration of this chapter and that are approved directly by the Assistant Secretary for Fish and Wildlife and Parks;

(11) relocation expenses for personnel who, after relocation, will administer this chapter on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time at which the relocation expenses are incurred; and

(12) costs to audit, evaluate, approve, disapprove, and advise concerning grants under sections 669e, 669h-1, and 669h-2 of this title.

(b) Reporting of other uses

(1) In general

Subject to paragraph (2), if the Secretary of the Interior determines that available amounts under section 669c(a)(1) of this title should be used for an expense for administration other than an expense for administration described in subsection (a) of this section, the Secretary—

(A) shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the expense for administration and stating the amount of the expense; and

(B) may use any such available amounts for the expense for administration only after the end of the 30-day period beginning on the date of submission of the report under subparagraph (A).

(2) Maximum amount

For any fiscal year, the Secretary of the Interior may use under paragraph (1) not more than \$25,000.

(c) Restriction on use to supplement general appropriations

The Secretary of the Interior shall not use available amounts under subsection (b) of this section to supplement the funding of any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

(d) Audit requirement

(1) In general

The Inspector General of the Department of the Interior shall procure the performance of biennial audits, in accordance with generally accepted accounting principles, of expenditures and obligations of amounts used by the Secretary of the Interior for expenses for administration incurred in implementation of this chapter.

(2) Auditor

(A) In general

An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in section 132 of title 41) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit or other review).

(B) Supervision of auditor

The auditor selected under subparagraph (A) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time at which the findings are submitted to the Inspector General of the Department of the Interior.

(3) Report to Congress

The Inspector General of the Department of the Interior shall promptly submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—

(A) a report on the results of each audit under this subsection; and

(B) a copy of each audit under this subsection.

(Sept. 2, 1937, ch. 899, §9, 50 Stat. 919; Pub. L. 106-408, title I, §111(b), Nov. 1, 2000, 114 Stat. 1764.)

CODIFICATION

In subsec. (d)(2)(A), “section 132 of title 41” substituted for “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

2000—Pub. L. 106-408 amended section generally. Prior to amendment, section read as follows: “Out of the deductions set aside for administering and executing this chapter and the Migratory Bird Conservation Act, the Secretary of the Interior is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service; to rent or construct buildings outside of the city of Washington; to purchase such supplies, materials, equipment, office fixtures, and apparatus; and to incur such travel and other expenses, including purchase, maintenance, and hire of passenger-carrying motor vehicles, as he may deem necessary for carrying out the purposes of this chapter.”

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 669h-1. Firearm and bow hunter education and safety program grants

(a) In general

(1) Grants

Of the revenues covered into the fund, \$7,500,000 for each of fiscal years 2001 and 2002,