

## 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 58.012 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; Pub. L. 114-94, div. A, title X, §10001(a), Dec. 4, 2015, 129 Stat. 1619.)

## REFERENCES IN TEXT

The provision of the Act of August 31, 1951, referred to in text, is set out as a note below.

## AMENDMENTS

2015—Pub. L. 114-94 substituted “58.012 percent” for “57 percent”.

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 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

## 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 fiscal year 2021, 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 activities under section 777m(e) of this title shall be distributed as follows:

**(1) Coastal wetlands**

An amount equal to 18.673 percent to the Secretary of the Interior for distribution as provided in the Coastal Wetlands Planning, Protection,<sup>1</sup> and Restoration Act (16 U.S.C. 3951 et seq.).

**(2) Boating safety**

An amount equal to 17.315 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) Boating infrastructure improvement****(A) In general**

An amount equal to 4 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) and section 777g-1(d) of this title.

**(B) Limitation**

Not more than 75 percent of the amount under subparagraph (A) shall be available for projects under either of the sections referred to in subparagraph (A).

**(4) 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.

**(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 fiscal year 2021, 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) 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) Set-aside for Coast Guard administration****(A) In general**

From the annual appropriation made in accordance with section 777b of this title, for each of fiscal years 2016 through 2021, the Secretary of the department in which the Coast Guard is operating may use no more than the amount specified in subparagraph (B) for the fiscal year for the purposes set forth in section 13107(c) of title 46. 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) for the fiscal year.

**(B) Available amounts**

The available amount referred to in subparagraph (A) is—

(i) for fiscal year 2016, \$7,700,000; and

(ii) for fiscal year 2017 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.

**(3) 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 subsequent 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 (c) for the fiscal year.

**(c) Apportionment among States**

(1) The Secretary, after the distribution, transfer, use and deduction under subsection (b), and after deducting amounts used for activities

<sup>1</sup> So in original. The comma probably should not appear.