

visions of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), except the provisions of—

- (1) section 4(e)(1)(B) of that Act (16 U.S.C. 3703(e)(1)(B)); and
- (2) section 10(a) of that Act (16 U.S.C. 3709(a)).

**(d) Expenditure**

Of the amounts deposited into the Fund for each fiscal year—

- (1) funds may be used by the Foundation to award grants to coastal States under section 7505(b) of this title;
- (2) funds may be used by the Foundation to award grants under section 7505(c) of this title;
- (3) no more than 2 percent may be used by the Administrator and the Foundation for administrative expenses to carry out this chapter, which amount shall be divided between the Administrator and the Foundation pursuant to an agreement reached and documented by both the Administrator and the Foundation.

**(e) Recovery of payments**

After notice and an opportunity for a hearing, the Administrator is authorized to recover any Federal payments under this section if the Foundation—

- (1) makes a withdrawal or expenditure from the Fund that is not consistent with the requirements of section 7504 of this title; or
- (2) fails to comply with a procedure, measure, method, or standard established under section 7505(a)(1) of this title.

(Pub. L. 114–113, div. O, title IX, §904, Dec. 18, 2015, 129 Stat. 3031.)

REFERENCES IN TEXT

The National Fish and Wildlife Foundation Establishment Act, referred to in subsec. (c), is Pub. L. 98–244, Mar. 26, 1984, 98 Stat. 107, which is classified generally to chapter 57 (§3701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of this title and Tables.

**§ 7504. Eligible uses**

**(a) In general**

Amounts in the Fund may be allocated by the Foundation to support programs and activities intended to better understand and utilize ocean and coastal resources and coastal infrastructure, including baseline scientific research, ocean observing, and other programs and activities carried out in coordination with Federal and State departments or agencies.

**(b) Prohibition on use of funds for litigation or other purposes**

No funds made available under this chapter may be used to—

- (1) fund litigation against the Federal Government; or
- (2) fund the creation of national marine monuments and marine protected areas, marine spatial planning, or the National Ocean Policy.

(Pub. L. 114–113, div. O, title IX, §905, Dec. 18, 2015, 129 Stat. 3032.)

**§ 7505. Grants**

**(a) Administration of grants**

**(1) In general**

Not later than 90 days after funds are deposited into the Fund and made available to the Foundation for administrative purposes, the Foundation shall establish the following:

(A) Application and review procedures for the awarding of grants under this section, including requirements ensuring that any amounts awarded under such subsections may only be used for an eligible use described under section 7504 of this title.

(B) Selection procedures and criteria for the awarding of grants under this section that—

- (i) require consultation with the Administrator and the Secretary of the Interior; and
- (ii) prioritize the projects or activities where non-Federal partners have committed to share the cost of the project.

(C) Eligibility criteria for awarding grants—

- (i) under subsection (b) to coastal States; and
- (ii) under subsection (c) to—

(I) entities including States, local governments, and Indian tribes; and

(II) the research and restoration work of associations, nongovernmental organizations, public-private partnerships, and academic institutions.

(D) Performance accountability and monitoring measures for programs and activities funded by a grant awarded under subsection (b) or (c).

(E) Procedures and methods to ensure accurate accounting and appropriate administration of grants awarded under this section, including standards of recordkeeping.

(F) Procedures to carry out audits of the Fund as necessary, but not less frequently than once every year if grants have been awarded in that year.

(G) Procedures to carry out audits of the recipients of grants under this section.

(H) Procedures to make publicly available on the Internet a list of all projects funded by the Fund, that includes at a minimum the grant recipient, grant amount, project description, and project status.

**(2) Approval**

The Foundation shall submit to the Administrator for approval each procedure, measure, method, and standard established under paragraph (1).

**(b) Grants to coastal States**

**(1) In general**

The Administrator and the Foundation may award grants according to the procedures established in subsection (a) to coastal States and United States territories to support activities consistent with section 7503<sup>1</sup> of this title. In determining distribution of grants, the Foundation may—

- (A) consider for each State—

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