

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 7503¹ of this title. In determining distribution of grants, the Foundation may—

- (A) consider for each State—

¹ See References in Text note below.

- (i) percent of total United States shoreline miles;
- (ii) coastal population density; and
- (iii) other factors;

(B) establish criteria for States, including the requirement for a State to establish a plan to distribute the funds; and

(C) establish a maximum and minimum percentage of funding to be awarded to each State or United States territory.

(2) Indian tribes

As a condition on receipt of a grant under this subsection, a State that receives a grant under this subsection shall ensure that Indian tribes in the State are eligible to participate in any competitive grants established in this chapter.

(c) National grants for oceans, coasts, and Great Lakes

(1) In general

The Administrator and the Foundation may award grants according to the procedures established in subsection (a) to support activities consistent with section 7504 of this title.

(2) Advisory panel

(A) In general

The Foundation may establish an advisory panel to conduct reviews of applications for grants under paragraph (1) and the Foundation may consider the recommendations of the advisory panel with respect to such applications.

(B) Membership

The advisory panel described under subparagraph (A) shall include persons representing—

- (i) ocean and coastal dependent industries;
- (ii) geographic regions as defined by the Foundation; and
- (iii) academic institutions.

(Pub. L. 114–113, div. O, title IX, §906, Dec. 18, 2015, 129 Stat. 3032.)

REFERENCES IN TEXT

Section 7503 of this title, referred to in subsec. (b), was in the original “section 904”, meaning section 904 of div. O of Pub. L. 114–113, which is classified to section 7503 of this title, but probably should have been a reference to section 905 of div. O of Pub. L. 114–113, which is classified to section 7504 of this title. See subsec. (c)(1) of this section.

§ 7506. Annual report

(a) Requirement for annual report

Subject to subsection (c),¹ beginning with fiscal year 2017, not later than 60 days after the end of each fiscal year, the Foundation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on the operation of the Fund during that fiscal year.

(b) Content

Each annual report submitted under subsection (a) for a fiscal year shall include—

- (1) a full and complete statement of the receipts, including the source of all receipts, expenditures, and investments of the Fund;
- (2) a statement of the amounts deposited in the Fund and the balance remaining in the Fund at the end of the fiscal year; and
- (3) a description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

(Pub. L. 114–113, div. O, title IX, §907, Dec. 18, 2015, 129 Stat. 3034.)

§ 7507. Funding

There is authorized to be appropriated such sums as are necessary for fiscal years 2017, 2018, and 2019 for this chapter.

(Pub. L. 114–113, div. O, title IX, §908, Dec. 18, 2015, 129 Stat. 3034.)

¹ So in original.