

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 or 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.).

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

**(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 under section 777m(e) of this title, shall apportion 58.012 percent of the balance of each such annual appropriation among the several States in the following manner: 40 percent in the ratio which the area of each State including coastal and Great Lakes waters (as determined by the Secretary of the Interior) bears to the total area of all the States, and 60 percent in the ratio which the number of persons holding paid licenses to fish for sport or recreation in the State in the second fiscal year preceding the fiscal year for which such apportionment is made, as certified to said Secretary by the State fish and game departments, bears to the number of such persons in all the States. Such apportionments shall be adjusted equitably so that no State shall receive less than 1 percent nor more than 5 percent of the total amount apportioned. Where the apportionment to any State under this section is less than \$4,500 annually, the Sec-

retary of the Interior may allocate not more than \$4,500 of said appropriation to said State to carry out the purposes of this chapter when said State certifies to the Secretary of the Interior that it has set aside not less than \$1,500 from its fish-and-game funds or has made, through its legislature, an appropriation in this amount of said purposes.

(2) The Secretary shall deduct from the amount to be apportioned under paragraph (1) the amounts used for grants under section 777m(a) of this title.

**(d) Unallocated funds**

So much of any sum not allocated under the provisions of this section for any fiscal year is hereby authorized to be made available for expenditure to carry out the purposes of this chapter until the close of the succeeding fiscal year. The term fiscal year as used in this section shall be a period of twelve consecutive months from October 1 through the succeeding September 30, except that the period for enumeration of persons holding licenses to fish shall be a State's fiscal or license year.

**(e) Expenses for administration of certain programs**

**(1) In general**

For each fiscal year, of the amounts appropriated under section 777b of this title, the Secretary of the Interior shall use only funds authorized for use under paragraphs (1), (3), (4), and (5) of subsection (a) to pay the expenses for administration incurred in carrying out the provisions of law referred to in those paragraphs, respectively.

**(2) Maximum amount**

For each fiscal year, the Secretary of the Interior may use not more than \$900,000 in accordance with paragraph (1).

**(f) Transfer of certain funds**

Amounts available under paragraphs (3) and (4) of subsection (a) that are unobligated by the Secretary of the Interior after 3 fiscal years shall be transferred to the Secretary of the department in which the Coast Guard is operating and shall be expended for State recreational boating safety programs under section 13107(a) of title 46.

(Aug. 9, 1950, ch. 658, § 4, 64 Stat. 432; Pub. L. 91-503, title II, § 201, Oct. 23, 1970, 84 Stat. 1101; Pub. L. 94-273, § 4(2), Apr. 21, 1976, 90 Stat. 377; Pub. L. 98-369, div. A, title X, § 1014(a)(3), July 18, 1984, 98 Stat. 1015; Pub. L. 101-646, title III, § 308, Nov. 29, 1990, 104 Stat. 4787; Pub. L. 102-587, title V, § 5604(a), Nov. 4, 1992, 106 Stat. 5087; Pub. L. 105-178, title VII, §§ 7402(b), 7403, June 9, 1998, 112 Stat. 483, 485; Pub. L. 105-206, title IX, § 9012(b), July 22, 1998, 112 Stat. 864; Pub. L. 106-74, title IV, § 430, Oct. 20, 1999, 113 Stat. 1096; Pub. L. 106-377, § 1(a)(2) [title VI, § 605], Oct. 27, 2000, 114 Stat. 1441, 1441A-85; Pub. L. 106-408, title I, §§ 121(a), (c), 122(b)-124, Nov. 1, 2000, 114 Stat. 1769, 1772, 1774; Pub. L. 108-88, § 9(a), (b), Sept. 30, 2003, 117 Stat. 1126; Pub. L. 108-202, § 7(a), (b), Feb. 29, 2004, 118 Stat. 483; Pub. L. 108-224, § 6(a), (b), Apr. 30, 2004, 118 Stat. 632; Pub. L. 108-263, § 6(a), (b), June 30, 2004, 118 Stat. 703; Pub. L. 108-280, § 6(a), (b), July 30, 2004, 118 Stat. 881, 882;

Pub. L. 108-310, § 9(a), (b), Sept. 30, 2004, 118 Stat. 1159; Pub. L. 108-447, div. C, title I, § 114(b), Dec. 8, 2004, 118 Stat. 2944; Pub. L. 109-14, § 8(a), (b), May 31, 2005, 119 Stat. 334; Pub. L. 109-20, § 8(a), (b), July 1, 2005, 119 Stat. 356; Pub. L. 109-35, § 8(a), (b), July 20, 2005, 119 Stat. 389; Pub. L. 109-37, § 8(a), (b), July 22, 2005, 119 Stat. 404, 405; Pub. L. 109-40, § 8(a), (b), July 28, 2005, 119 Stat. 421; Pub. L. 109-59, title X, § 10113, Aug. 10, 2005, 119 Stat. 1927; Pub. L. 109-74, title II, §§ 201, 202, Sept. 29, 2005, 119 Stat. 2031; Pub. L. 109-241, title IX, § 901(r)(1), July 11, 2006, 120 Stat. 566; Pub. L. 109-304, § 16(c)(1), Oct. 6, 2006, 120 Stat. 1705; Pub. L. 111-68, div. B, § 160, Oct. 1, 2009, 123 Stat. 2052; Pub. L. 111-147, title IV, § 423(b), Mar. 18, 2010, 124 Stat. 87; Pub. L. 111-322, title II, § 2203(b), Dec. 22, 2010, 124 Stat. 3526; Pub. L. 112-5, title II, § 203(b), Mar. 4, 2011, 125 Stat. 17; Pub. L. 112-30, title I, § 123(b), Sept. 16, 2011, 125 Stat. 349; Pub. L. 112-102, title II, § 203(b), Mar. 30, 2012, 126 Stat. 275; Pub. L. 112-140, title II, § 203(b), June 29, 2012, 126 Stat. 395; Pub. L. 112-141, div. C, title IV, § 34002, July 6, 2012, 126 Stat. 842; Pub. L. 113-159, title I, § 1103, Aug. 8, 2014, 128 Stat. 1845; Pub. L. 114-21, title I, § 1103, May 29, 2015, 129 Stat. 222; Pub. L. 114-41, title I, § 1103, July 31, 2015, 129 Stat. 449; Pub. L. 114-73, title I, § 1103, Oct. 29, 2015, 129 Stat. 572; Pub. L. 114-87, title I, § 1103, Nov. 20, 2015, 129 Stat. 681; Pub. L. 114-94, div. A, title X, § 10001(b), Dec. 4, 2015, 129 Stat. 1619.)

REFERENCES IN TEXT

The Coastal Wetlands Planning, Protection and Restoration Act, referred to in subsec. (a)(1), is title III of Pub. L. 101-646, Nov. 29, 1990, 104 Stat. 4778, which enacted chapter 59A (§ 3951 et seq.) of this title and amended this section. For complete classification of this Act to the Code, see Short Title note set out under section 3951 of this title and Tables.

Section 5604(c) of the Clean Vessel Act of 1992, referred to in subsec. (a)(3)(A), is section 5604(c) of Pub. L. 102-587, which is set out as a note under section 1322 of Title 33, Navigation and Navigable Waters.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-94, § 10001(b)(1)(A), substituted “For each fiscal year through fiscal year 2021, the balance” for “For each fiscal year through 2015 and for the period beginning on October 1, 2015, and ending on October 29, 2015, the balance” and “activities under section 777m(e) of this title” for “multistate conservation grants under section 777m of this title” in introductory provisions.

Pub. L. 114-87, § 1103(1), which directed substitution of “December 4, 2015” for “November 20, 2015” in introductory provisions, could not be executed due to intervening amendment by Pub. L. 114-94, effective Oct. 1, 2015. See Amendment note above and Effective Date of 2015 Amendment note below.

Pub. L. 114-73, § 1103(1), which directed substitution of “November 20, 2015” for “October 29, 2015” in introductory provisions, could not be executed due to intervening amendment by Pub. L. 114-94, effective Oct. 1, 2015. See Amendment note above and Effective Date of 2015 Amendment note below.

Pub. L. 114-41, § 1103(1), substituted “each fiscal year through 2015 and for the period beginning on October 1, 2015, and ending on October 29, 2015” for “each fiscal year through 2014 and for the period beginning on October 1, 2014, and ending on July 31, 2015” in introductory provisions.

Pub. L. 114-21, § 1103(1), substituted “July 31, 2015” for “May 31, 2015” in introductory provisions.

Subsec. (a)(1). Pub. L. 114-94, § 10001(b)(1)(B), substituted “18.673 percent” for “18.5 percent”.

Subsec. (a)(2). Pub. L. 114-94, § 10001(b)(1)(C), substituted “17.315 percent” for “18.5 percent”.

Subsec. (a)(3) to (5). Pub. L. 114-94, §10001(b)(1)(D)-(F), added par. (3), redesignated par. (5) as (4), and struck out former pars. (3) and (4) which related to Clean Vessel Act and boating infrastructure, respectively.

Subsec. (b)(1)(A). Pub. L. 114-94, §10001(b)(2)(A), substituted “for each fiscal year through fiscal year 2021, the Secretary” for “for each fiscal year ending before October 1, 2015, and for the period beginning on October 1, 2015, and ending on October 29, 2015, the Secretary”.

Pub. L. 114-87, §1103(2), which directed substitution of “December 4, 2015,” for “November 20, 2015,” could not be executed due to intervening amendment by Pub. L. 114-94, effective Oct. 1, 2015. See Amendment note above and Effective Date of 2015 Amendment note below.

Pub. L. 114-73, §1103(2), which directed substitution of “November 20, 2015,” for “October 29, 2015,” could not be executed due to intervening amendment by Pub. L. 114-94, effective Oct. 1, 2015. See Amendment note above and Effective Date of 2015 Amendment note below.

Pub. L. 114-41, §1103(2), substituted “for each fiscal year ending before October 1, 2015, and for the period beginning on October 1, 2015, and ending on October 29, 2015,” for “for each fiscal year ending before October 1, 2014, and for the period beginning on October 1, 2014, and ending on July 31, 2015.”

Pub. L. 114-21, §1103(2), substituted “July 31, 2015,” for “May 31, 2015.”

Subsec. (b)(2). Pub. L. 114-94, §10001(b)(2)(C), added par. (2). Former par. (2) redesignated (3).

Subsec. (b)(3). Pub. L. 114-94, §10001(b)(2)(B), redesignated par. (2) as (3).

Subsec. (b)(3)(A). Pub. L. 114-94, §10001(b)(2)(D)(i), substituted “until the end of the subsequent fiscal year.” for “until the end of the fiscal year.”

Subsec. (b)(3)(B). Pub. L. 114-94, §10001(b)(2)(D)(ii), substituted “under subsection (c)” for “under subsection (e)”.

Subsec. (c). Pub. L. 114-94, §10001(b)(3), designated existing provisions as par. (1), inserted comma after “The Secretary”, substituted “activities under section 777m(e) of this title” for “grants under section 777m of this title” and “58.012 percent” for “57 percent”, and added par. (2).

Subsec. (e)(1). Pub. L. 114-94, §10001(b)(4), substituted “those paragraphs.” for “those sections.”

2014—Subsec. (a). Pub. L. 113-159, §1103(1), inserted “and for the period beginning on October 1, 2014, and ending on May 31, 2015” after “2014” in introductory provisions.

Subsec. (b)(1)(A). Pub. L. 113-159, §1103(2), substituted “for each fiscal year ending before October 1, 2014, and for the period beginning on October 1, 2014, and ending on May 31, 2015,” for “for each fiscal year through 2014.”

2012—Subsec. (a). Pub. L. 112-141, §34002(1), substituted “fiscal year through 2014,” for “of fiscal years 2006 through 2011 and for the period beginning on October 1, 2011, and ending on June 30, 2012,” in introductory provisions.

Pub. L. 112-140, §1(c), 203(b)(1), temporarily substituted “ending on July 6, 2012,” for “ending on June 30, 2012,” in introductory provisions. See Termination Date of 2012 Amendment note below.

Pub. L. 112-102, §203(b)(1), substituted “2011 and for the period beginning on October 1, 2011, and ending on June 30, 2012,” for “2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012,” in introductory provisions.

Subsec. (b)(1)(A). Pub. L. 112-141, §34002(2), which directed substitution of “fiscal year through 2014,” for “of fiscal years 2006 through 2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012,” was executed by making the substitution for “of fiscal years 2006 through 2011 and for the period beginning on October 1, 2011, and ending on June 30, 2012,” to reflect the probable intent of Congress and amendment by Pub. L. 112-102, §203(b)(2). See below.

Pub. L. 112-140, §1(c), 203(b)(2), temporarily substituted “ending on July 6, 2012,” for “ending on June 30, 2012,”. See Termination Date of 2012 Amendment note below.

Pub. L. 112-102, §203(b)(2), substituted “2011 and for the period beginning on October 1, 2011, and ending on June 30, 2012,” for “2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012.”

2011—Subsec. (a). Pub. L. 112-30, §123(b)(1), substituted “2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012,” for “2011,” in introductory provisions.

Pub. L. 112-5, §203(b)(1), substituted “through 2011,” for “through 2010, and for the period beginning on October 1, 2010, and ending on March 4, 2011,” in introductory provisions.

Subsec. (b)(1)(A). Pub. L. 112-30, §123(b)(2), substituted “2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012,” for “2011.”

Pub. L. 112-5, §203(b)(2), substituted “through 2011,” for “through 2010, and for the period beginning on October 1, 2010, and ending on March 4, 2011.”

2010—Subsec. (a). Pub. L. 111-322, §2203(b), substituted “For each of fiscal years 2006 through 2010, and for the period beginning on October 1, 2010, and ending on March 4, 2011, 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 multistate conservation grants under section 777m of this title shall be distributed as follows:” for introductory provisions which read as follows: “For each of fiscal years 2006 through 2010 and for the period beginning on October 1, 2010, and ending on December 31, 2010, and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law, 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) of this section and for multistate conservation grants under section 777m of this title shall be distributed as follows:”

Pub. L. 111-147, §423(b)(1), which directed substitution of “2010 and for the period beginning on October 1, 2010, and ending on December 31, 2010,” for “2009,” in introductory provisions, was executed by making the substitution for “2009,” the first place it appeared.

Subsec. (b)(1)(A). Pub. L. 111-322, §2203(b)(2), substituted “From the annual appropriation made in accordance with section 777b of this title, for each of fiscal years 2006 through 2010, and for the period beginning on October 1, 2010, and ending on March 4, 2011, 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.” for “From the annual appropriation made in accordance with section 777b of this title, for each of fiscal years 2006 through 2009 and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law., 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.”

Pub. L. 111-147, §423(b)(2), which directed substitution of “and for the period beginning on October 1, 2010, and ending on December 31, 2010,” for “2010,” could not be executed because “2010,” did not appear.

2009—Subsec. (a). Pub. L. 111-68, §160(1), inserted “and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law,” after “2009,” in introductory provisions.

Subsec. (b)(1)(A). Pub. L. 111-68, §160(2), inserted “and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law,” after “2009”.

2006—Subsec. (a)(2). Pub. L. 109-304 substituted “13107” for “13106”.

Subsec. (c). Pub. L. 109-241 struck out “, for each of fiscal years 2006 through 2009,” after “The Secretary”.

Subsec. (f). Pub. L. 109-304 substituted “13107(a)” for “13106(a)”.

2005—Subsec. (a). Pub. L. 109-59, §10113(1), (2), added subsec. (a) and struck out former subsec. (a) which read as follows: “The Secretary of the Interior shall distribute 18 per centum of each annual appropriation made in accordance with the provisions of section 777b of this title as provided in the Coastal Wetlands Planning, Protection, and Restoration Act (title III, Public Law 101-646). Notwithstanding the provisions of section 777b of this title, such sums shall remain available to carry out such Act through fiscal year 2019.”

Subsec. (b). Pub. L. 109-59, §10113(1), redesignated subsec. (d) as (b) and struck out former subsec. (b) which related to use of the balance of each annual appropriation remaining after making the distribution under subsec. (a) in fiscal years 1998 through 2005.

Subsec. (b)(1)(A). Pub. L. 109-59, §10113(3), added subpar. (A) and struck out heading and text of former subpar. (A). Text read as follows: “For fiscal year 2001 and each fiscal year thereafter, of the balance of each such annual appropriation remaining after the distribution and use under subsections (a), (b), and (c) and section 777m of this title, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for expenses for administration incurred in implementation of this chapter, in accordance with this subsection and section 777h of this title.”

Subsec. (b)(4). Pub. L. 109-74, §202, substituted “Fiscal” for “First 303 days of fiscal” in heading, “September 30, 2005” for “July 30, 2005” and “\$82,000,000” for “\$68,071,233” in introductory provisions, “\$10,000,000” for “\$8,301,370” in subpar. (A), and “\$8,000,000” for “\$6,641,096” in subpar. (B).

Pub. L. 109-40, §8(b), amended heading and text of par. (4) generally, substituting provisions relating to use of funds for first 303 days of fiscal year 2005 for similar provisions relating to use of funds for first 300 days of fiscal year 2005.

Pub. L. 109-37, §8(b), amended heading and text of par. (4) generally, substituting provisions relating to use of funds for first 300 days of fiscal year 2005 for similar provisions relating to use of funds for first 42 weeks of fiscal year 2005.

Pub. L. 109-35, §8(b), amended heading and text of par. (4) generally, substituting provisions relating to use of funds for first 42 weeks of fiscal year 2005 for similar provisions relating to use of funds for first 292 days of fiscal year 2005.

Pub. L. 109-20, §8(b), amended heading and text of par. (4) generally, substituting provisions relating to use of funds for first 292 days of fiscal year 2005 for similar provisions relating to use of funds for first 9 months of fiscal year 2005.

Pub. L. 109-14, §8(b), amended heading and text of par. (4) generally, substituting provisions relating to use of funds for first 9 months of fiscal year 2005 for similar provisions relating to use of funds for fiscal year 2004.

Subsec. (c). Pub. L. 109-59, §10113(4), (5), substituted “Secretary, for each of fiscal years 2006 through 2009, after the distribution, transfer, use and deduction under subsection (b), and after deducting amounts used for grants under section 777m of this title, shall apportion 57 percent of the balance” for “Secretary of the Interior, after the distribution, transfer, use, and deduction under subsections (a), (b), (c), and (d), respectively, and after deducting amounts used for grants under section 777m of this title, shall apportion the remainder” and “percent” for “per centum” after “40”, “60”, “1”, and “5”.

Pub. L. 109-59, §10113(1), redesignated subsec. (e) as (c) and struck out former subsec. (c) which obligated amounts for the National Outreach and Communications Program for fiscal years 1999 through 2005.

Subsec. (c)(7). Pub. L. 109-74, §201, amended par. (7) generally, substituting “\$10,000,000 for fiscal year 2005;”

for “\$8,301,370 for the period of October 1, 2004, through July 30, 2005;”.

Pub. L. 109-40, §8(a), amended par. (7) generally. Prior to amendment, par. (7) read as follows: “\$8,219,180 for the period of October 1, 2004, through July 27, 2005;”.

Pub. L. 109-37, §8(a), amended par. (7) generally. Prior to amendment, par. (7) read as follows: “\$8,099,997 for the period of October 1, 2004, through July 21, 2005;”.

Pub. L. 109-35, §8(a), amended par. (7) generally. Prior to amendment, par. (7) read as follows: “\$8,000,000 for the period of October 1, 2004, through July 19, 2005;”.

Pub. L. 109-20, §8(a), substituted “(7) \$8,000,000 for the period of October 1, 2004, through July 19, 2005;” for “(6) \$7,499,997 for the period of October 1, 2004, through June 30, 2005;”.

Pub. L. 109-14, §8(a), directed amendment of par. (7) generally by substituting “(6) \$7,499,997 for the period of October 1, 2004, through June 30, 2005;” for “(7) \$6,666,664 for the period of October 1, 2004, through May 31, 2005;”. See above.

Subsec. (d). Pub. L. 109-59, §10113(1), redesignated subsec. (f) as (d). Former subsec. (d) redesignated (b).

Subsec. (e). Pub. L. 109-59, §10113(1), redesignated subsec. (g) as (e). Former subsec. (e) redesignated (c).

Subsec. (e)(1). Pub. L. 109-59, §10113(6), substituted “paragraphs (1), (3), (4), and (5) of subsection (a)” for “subsections (a), (b)(3)(A), (b)(3)(B), and (c)”.

Subsec. (f). Pub. L. 109-59, §10113(7), added subsec. (f). Former subsec. (f) redesignated (d).

Subsec. (g). Pub. L. 109-59, §10113(1), redesignated subsec. (g) as (e).

2004—Subsec. (a). Pub. L. 108-447 substituted “2019” for “2009”.

Subsec. (b)(4). Pub. L. 108-310, §9(b)(1), inserted heading and struck out former heading which read “First 10 months of fiscal year 2004”.

Pub. L. 108-280, §6(b), substituted “fiscal year 2004” for “the period of October 1, 2003, through July 31, 2004” and “\$82,000,000” for “\$68,333,332” in introductory provisions, “\$10,000,000” for “\$8,333,332” in subpar. (A), and “\$8,000,000” for “\$6,666,668” in subpar. (B) and directed amendment of heading by striking “First 9 months of”, which could not be executed.

Pub. L. 108-263, §6(b), substituted “10 months” for “9 months” in heading, “July 31” for “April 30” and “\$68,333,332” for “\$61,499,999” in introductory provisions, “\$8,333,332” for “\$7,499,999” in subpar. (A), and “\$6,666,668” for “\$6,000,001” in subpar. (B).

Pub. L. 108-224, §6(b), substituted “9 months” for “7 months” in heading, “\$61,499,999” for “\$47,833,333” in introductory provisions, “\$7,499,999” for “\$5,833,333” in subpar. (A), and “\$6,000,001” for “\$4,666,667” in subpar. (B).

Pub. L. 108-202, §7(b), amended heading and text of par. (4) generally, substituting provisions relating to use of funds for first 7 months of fiscal year 2004 for similar provisions relating to use of funds for first 5 months of fiscal year 2004.

Subsec. (b)(5), (6). Pub. L. 108-310, §9(b)(2), (3), added par. (5) and redesignated former par. (5) as (6).

Subsec. (c)(6). Pub. L. 108-280, §6(a), amended par. (6) generally. Prior to amendment, par. (6) read as follows: “\$8,333,332 for the period of October 1, 2003, through July 31, 2004;”.

Pub. L. 108-263, §6(a), amended par. (6) generally. Prior to amendment, par. (6) read as follows: “\$7,499,999 for the period of October 1, 2003, through June 30, 2004;”.

Pub. L. 108-224, §6(a), amended par. (6) generally. Prior to amendment, par. (6) read as follows: “\$5,833,333 for the period of October 1, 2003, through April 30, 2004;”.

Pub. L. 108-202, §7(a), amended par. (6) generally. Prior to amendment, par. (6) read as follows: “\$4,166,667 for the period of October 1, 2003, through February 29, 2004;”.

Subsec. (c)(7). Pub. L. 108-310, §9(a), added par. (7).

2003—Subsec. (b)(4), (5). Pub. L. 108-88, §9(b), added par. (4) and redesignated former par. (4) as (5).

Subsec. (c)(6). Pub. L. 108-88, §9(a), added par. (6).

2000—Subsec. (a). Pub. L. 106-377 and Pub. L. 106-408, § 123, amended subsec. (a) identically, substituting “fiscal year 2009” for “fiscal year 2000”.

Subsec. (d). Pub. L. 106-408, § 121(a), added subsec. (d) and struck out former subsec. (d) which read as follows: “Of the balance of each such annual appropriation remaining after the distribution and use under subsections (a), (b), and (c), respectively, so much, not to exceed 6 per centum of such balance, as the Secretary of the Interior may estimate to be necessary for his or her expenses in the conduct of necessary investigations, administration, and the execution of this chapter, for an outreach and communications program and for aiding in the formulation, adoption, or administration of any compact between two or more States for the conservation and management of migratory fishes in marine or freshwaters, shall be deducted for that purpose, and such sum is authorized to be made available until the expiration of the next succeeding fiscal year. Of the sum available to the Secretary of the Interior under this subsection for any fiscal year, up to \$2,500,000 may be used for the National Outreach and Communications Program under section 777g(d) of this title in addition to the amount available for that program under subsection (c). No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this chapter. The Secretary shall publish a detailed accounting of the projects, programs, and activities funded under this subsection annually in the Federal Register.”

Subsec. (e). Pub. L. 106-408, § 122(b), inserted “and after deducting amounts used for grants under section 777m of this title,” after “respectively,” in first sentence.

Subsec. (f). Pub. L. 106-408, § 124, struck out before period at end of first sentence “, and if unexpended or unobligated at the end of such year, such sum is hereby authorized to be made available for expenditure by the Secretary of the Interior in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation”.

Subsec. (g). Pub. L. 106-408, § 121(c), added subsec. (g). 1999—Subsec. (a). Pub. L. 106-74 substituted “fiscal year 2000” for “fiscal year 1999” in second sentence.

1998—Subsec. (b). Pub. L. 105-178, § 7403(a), as amended by Pub. L. 105-206, § 9012(b)(1), inserted heading and amended text generally, substituting provisions relating to fiscal years 1998 to 2003 for provisions relating to fiscal years 1993 to 1998.

Subsec. (b)(3)(B). Pub. L. 105-178, § 7403(b), as added by Pub. L. 105-206, § 9012(b)(2), made a technical amendment to reference in original act which appears in text as reference to section 777g-1(d) of this title.

Subsec. (c). Pub. L. 105-178, § 7402(b)(1), (2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 105-178, § 7402(b)(3)-(5), substituted “subsections (a), (b), and (c),” for “subsections (a) and (b),”, inserted “, for an outreach and communications program” after “chapter”, and inserted at end “Of the sum available to the Secretary of the Interior under this subsection for any fiscal year, up to \$2,500,000 may be used for the National Outreach and Communications Program under section 777g(d) of this title in addition to the amount available for that program under subsection (c). No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this chapter. The Secretary shall publish a detailed accounting of the projects, programs, and activities funded under this subsection annually in the Federal Register.”

Pub. L. 105-178, § 7402(b)(1), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 105-178, § 7402(b)(6), substituted “subsections (a), (b), (c), and (d)” for “subsections (a), (b), and (c)”.

Pub. L. 105-178, § 7402(b)(1), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 105-178, § 7402(b)(1), redesignated subsec. (e) as (f).

1992—Pub. L. 102-587 added subsections (a) to (c), inserted subsec. (d) designation and substituted “The Secretary of the Interior, after the distribution, transfer, use, and deduction under subsections (a), (b), and (c), respectively, shall apportion the remainder of each such annual appropriation among the several States” for “So much, not to exceed 6 per centum, of each annual appropriation made in accordance with the provisions of section 777b of this title as the Secretary of the Interior may estimate to be necessary for his expenses in the conduct of necessary investigations, administration, and the execution of this chapter and for aiding in the formulation, adoption, or administration of any compact between two or more States for the conservation and management of migratory fishes in marine or freshwaters shall be deducted for that purpose, and such sum is authorized to be made available therefor until the expiration of the next succeeding fiscal year. The Secretary shall distribute 18 per centum of each annual appropriation made in accordance with the provisions of section 777b of this title as provided in the Coastal Wetlands Planning, Protection and Restoration Act: *Provided*, That, notwithstanding the provisions of section 777b of this title, such sums shall remain available to carry out such Act through fiscal year 1999. The Secretary of the Interior, after making the aforesaid deduction, shall apportion the remainder of the appropriation for each fiscal year among the several States”, and inserted subsec. (e) designation.

1990—Pub. L. 101-646 inserted after first sentence “The Secretary shall distribute 18 per centum of each annual appropriation made in accordance with the provisions of section 777b of this title as provided in the Coastal Wetlands Planning, Protection and Restoration Act: *Provided*, That, notwithstanding the provisions of section 777b of this title, such sums shall remain available to carry out such Act through fiscal year 1999.”

1984—Pub. L. 98-369 revised deductible amount from not to exceed 8 per centum to not to exceed 6 per centum.

1976—Pub. L. 94-273 substituted “September” for “June”, and “October” for “July”.

1970—Pub. L. 91-503 changed method of apportionment of funds by striking out reference to “to all the States” and inserted definition of “fiscal year”.

#### 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.

#### TERMINATION DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-140 to cease to be effective on July 6, 2012, with text as amended by Pub. L. 112-140 to revert back to read as it did on the day before June 29, 2012, and amendments by Pub. L. 112-141 to be executed as if Pub. L. 112-140 had not been enacted, see section 1(c) of Pub. L. 112-140, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

#### EFFECTIVE DATE OF 2005 AMENDMENTS

From Aug. 10, 2005, to end of fiscal year 2005, section considered to read as immediately before enactment of Pub. L. 109-59, except as provided by the amendments by sections 201 and 202 of Pub. L. 109-74, see section 101(b) of Pub. L. 109-74, set out as a note under section 777b of this title.

Amendment by Pub. L. 109-59 effective Oct. 1, 2005, see section 10102 of Pub. L. 109-59, set out as a note under section 777b of this title.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105-206 effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, and

provisions of Pub. L. 105-178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105-206 to be treated as not enacted, see section 9016 of Pub. L. 105-206, set out as a note under section 101 of Title 23, Highways.

#### 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.

#### § 777d. Certification of funds deducted for expenses and amounts apportioned to States

For each fiscal year beginning with the fiscal year ending June 30, 1951, the Secretary of the Interior shall certify, at the time at which a deduction or apportionment is made, to the Secretary of the Treasury, and to each State fish and game department, the sum which he has estimated to be deducted for administering this chapter and the sum which he has apportioned to each State for such fiscal year.

(Aug. 9, 1950, ch. 658, § 5, 64 Stat. 432; Pub. L. 98-369, div. A, title X, § 1014(a)(4), July 18, 1984, 98 Stat. 1015; Pub. L. 106-408, title I, § 125, Nov. 1, 2000, 114 Stat. 1775.)

#### AMENDMENTS

2000—Pub. L. 106-408 inserted “, at the time at which a deduction or apportionment is made,” after “certify” and struck out “and executing” after “administering”.

1984—Pub. L. 98-369 struck out provisions relating to notice by the State to the Secretary of intention to accept, and use of funds where the State fails to accept.

#### 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.

#### § 777e. Submission and approval of plans and projects

##### (a) Apportionment of funds

Any State desiring to avail itself of the benefits of this chapter shall, by its State fish and game department, submit programs or projects for fish restoration in either of the following two ways:

(1) The State shall prepare and submit to the Secretary of the Interior a comprehensive fish and wildlife resource management plan which shall insure the perpetuation of these resources for the economic, scientific, and recreational enrichment of the people. Such plan shall be for a period of not less than five years and be based on projections of desires and needs of the people for a period of not less than fifteen years. It shall include provisions for updating at intervals of not more than three years and be provided in a

format as may be required by the Secretary of the Interior. If the Secretary of the Interior finds that such plans conform to standards established by him and approves such plans, he may finance up to 75 per centum of the cost of implementing segments of those plans meeting the purposes of this chapter from funds apportioned under this chapter upon his approval of an annual agreement submitted to him.

(2) A State may elect to avail itself of the benefits of this chapter by its State fish and game department submitting to the Secretary of the Interior full and detailed statements of any fish restoration and management project proposed for that State. If the Secretary of the Interior finds that such project meets with the standards set by him and approves said project, the State fish and game department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require. If the Secretary of the Interior approves the plans, specifications, and estimates for the project, he shall notify the State fish and game department and immediately set aside so much of said appropriation as represents the share of the United States payable under this chapter on account of such project, which sum so set aside shall not exceed 75 per centum of the total estimated cost thereof.

The Secretary of the Interior shall approve only such comprehensive plans or projects as may be substantial in character and design and the expenditure of funds hereby authorized shall be applied only to such approved comprehensive fishery plan or projects and if otherwise applied they shall be replaced by the State before it may participate in any further apportionment under this chapter. No payment of any money apportioned under this chapter shall be made on any comprehensive fishery plan or project until an agreement to participate therein shall have been submitted to and approved by the Secretary of the Interior.

##### (b) “Project” defined

If the State elects to avail itself of the benefits of this chapter by preparing a comprehensive fish and wildlife plan under option (1) of subsection (a) of this section, then the term “project” may be defined for the purpose of this chapter as a fishery program, all other definitions notwithstanding.

##### (c) Costs

Administrative costs in the form of overhead or indirect costs for services provided by State central service activities outside of the State fish and game department charged against programs or projects supported by funds made available under this chapter shall not exceed in any one fiscal year 3 per centum of the annual apportionment to the State.

##### (d) Agreements to finance initial costs of acquisition of lands and construction of structures

The Secretary of the Interior may enter into agreements to finance up to 75 per centum of the initial costs of the acquisition of lands or interests therein and the construction of structures or facilities from appropriations currently available for the purposes of this chapter; and to agree to finance up to 75 per centum of the re-