

only for the first fiscal year for which the amount is made available and the following fiscal year.

**(B) Apportionment**

At the end of the period of availability under subparagraph (A), the Secretary of the Interior shall apportion any amounts that remain available among the States in the manner specified in section 669c(b) of this title for use by the States in the same manner as funds apportioned under section 669c(b) of this title.

**(b) Selection of projects**

**(1) States or entities to be benefited**

A project shall not be eligible for a grant under this section unless the project will benefit—

- (A) at least 26 States;
- (B) a majority of the States in a region of the United States Fish and Wildlife Service; or
- (C) a regional association of State fish and game departments.

**(2) Use of submitted priority list of projects**

The Secretary of the Interior may make grants under this section only for projects identified on a priority list of wildlife restoration projects described in paragraph (3).

**(3) Priority list of projects**

A priority list referred to in paragraph (2) is a priority list of wildlife restoration projects that the International Association of Fish and Wildlife Agencies—

(A) prepares through a committee comprised of the heads of State fish and game departments (or their designees), in consultation with—

- (i) nongovernmental organizations that represent conservation organizations;
- (ii) sportsmen organizations; and
- (iii) industries that support or promote hunting, trapping, recreational shooting, bow hunting, or archery;

(B) approves by vote of a majority of the heads of State fish and game departments (or their designees); and

(C) not later than October 1 of each fiscal year, submits to the Assistant Director for Wildlife and Sport Fish Restoration Programs.

**(4) Publication**

The Assistant Director for Wildlife and Sport Fish Restoration Programs shall publish in the Federal Register each priority list submitted under paragraph (3)(C).

**(c) Eligible grantees**

**(1) In general**

The Secretary of the Interior may make a grant under this section only to—

- (A) a State or group of States;
- (B) the United States Fish and Wildlife Service, or a State or group of States, for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and
- (C) subject to paragraph (2), a nongovernmental organization.

**(2) Nongovernmental organizations**

**(A) In general**

Any nongovernmental organization that applies for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization—

- (i) will not use the grant funds to fund, in whole or in part, any activity of the organization that promotes or encourages opposition to the regulated hunting or trapping of wildlife; and
- (ii) will use the grant funds in compliance with subsection (d).

**(B) Penalties for certain activities**

Any nongovernmental organization that is found to use grant funds in violation of subparagraph (A) shall return all funds received under this section and be subject to any other applicable penalties under law.

**(d) Use of grants**

A grant under this section shall not be used, in whole or in part, for an activity, project, or program that promotes or encourages opposition to the regulated hunting or trapping of wildlife.

**(e) Nonapplicability of Federal Advisory Committee Act**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any activity carried out under this section.

(Sept. 2, 1937, ch. 899, §11, as added Pub. L. 106-408, title I, §113, Nov. 1, 2000, 114 Stat. 1767.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (e), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 11 of act Sept. 2, 1937, was classified to section 669j of this title prior to repeal by act Aug. 7, 1946.

**§ 669i. Rules and regulations**

The Secretary of the Interior is authorized to make rules and regulations for carrying out the provisions of this chapter.

(Sept. 2, 1937, ch. 899, §12, formerly §10, 50 Stat. 919; 1939 Reorg. Plan No. II, §4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; renumbered §12, Pub. L. 106-408, title I, §112(1), Nov. 1, 2000, 114 Stat. 1766.)

TRANSFER OF FUNCTIONS

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, transferred functions of Secretary of Agriculture relating to conservation of wildlife, game, and migratory birds to Secretary of the Interior.

**§ 669j. Repealed. Aug. 7, 1946, ch. 770, § 1(14), 60 Stat. 867**

Section, act Sept. 2, 1937, ch. 899, §11, 50 Stat. 919; Reorg. Plan No. II, §4(f) of 1939, eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, related to annual report to Congress by the Secretary of the Interior.