

resting, or breeding places for wildlife, including acquisition of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects.

(Sept. 2, 1937, ch. 899, § 2, 50 Stat. 917; July 2, 1956, ch. 489, § 1, 70 Stat. 473; Pub. L. 86-624, § 10, July 12, 1960, 74 Stat. 412; Pub. L. 106-553, § 1(a)(2) [title IX, § 902(c)], Dec. 21, 2000, 114 Stat. 2762, 2762A-119; Pub. L. 116-17, § 4(a), May 10, 2019, 133 Stat. 867; Pub. L. 116-94, div. P, title V, § 501(c), Dec. 20, 2019, 133 Stat. 3191.)

REFERENCES IN TEXT

Section 669c(d) of this title, referred to in par. (9), was in the original “section 304(d)”, and was translated as reading “section 4(d)”, meaning section 4(d) of Act Sept. 2, 1937, ch. 899, to reflect the probable intent of Congress, because Act Sept. 2, 1937, ch. 899, does not contain a section 304(d), and section 4(d) relates to wildlife conservation and restoration programs. Section 669c(d) of this title was redesignated section 669c(e) of this title by Pub. L. 116-94, div. P, title V, § 501(d)(2)(A), Dec. 20, 2019, 133 Stat. 3192.

This chapter, referred to in par. (9), was in the original “this title”, and was translated as reading “this Act”, meaning Act Sept. 2, 1937, ch. 899, to reflect the probable intent of Congress, because Act Sept. 2, 1937, ch. 899, which enacted this chapter, does not contain titles.

AMENDMENTS

2019—Pars. (2) to (11). Pub. L. 116-94 added pars. (2) and (3) and redesignated former pars. (2) to (9) as (4) to (11), respectively.

Pub. L. 116-17 added par. (2) and redesignated former pars. (2) to (8) as (3) to (9), respectively. Such pars. (2) to (9) were subsequently redesignated (4) to (11) by Pub. L. 116-94.

2000—Pub. L. 106-553 inserted section catchline and amended text generally. Prior to amendment, text read as follows: “For the purposes of this chapter the term ‘wildlife-restoration project’ shall be construed to mean and include the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition by purchase, condemnation, lease, or gift of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects; the term ‘State fish and game department’ shall be construed to mean and include any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department.”

1960—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

Act July 2, 1956, ch. 489, § 5, 70 Stat. 473, provided in part that: “The amendments made by this Act [amend-

ing this section and sections 669g-1, 777a, and 777k of this title] shall be applicable only with respect to fiscal years beginning after the passage of this Act [July 2, 1956].”

FINDINGS, PURPOSE, AND DEFINITION REGARDING PUBLIC TARGET RANGES

Pub. L. 116-17, §§ 2, 3, May 10, 2019, 133 Stat. 866, 867, provided that:

“SEC. 2. FINDINGS; PURPOSE.

“(a) FINDINGS.—Congress finds that—

“(1) the use of firearms and archery equipment for target practice and marksmanship training activities on Federal land is allowed, except to the extent specific portions of that land have been closed to those activities;

“(2) in recent years preceding the date of enactment of this Act [May 10, 2019], portions of Federal land have been closed to target practice and marksmanship training for many reasons;

“(3) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

“(4) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

“(A) to promote enjoyment of shooting, recreational, and hunting activities; and

“(B) to ensure safe and convenient locations for those activities;

“(5) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States amounts that may be used for construction, operation, and maintenance of public target ranges; and

“(6) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

“(b) PURPOSE.—The purpose of this Act [see Short Title of 2019 Amendment note set out under section 669 of this title] is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

“SEC. 3. DEFINITION OF PUBLIC TARGET RANGE.

“In this Act, the term ‘public target range’ means a specific location that—

“(1) is identified by a governmental agency for recreational shooting;

“(2) is open to the public;

“(3) may be supervised; and

“(4) may accommodate archery or rifle, pistol, or shotgun shooting.”

§ 669b. Authorization of appropriations

(a) In general

(1) An amount equal to all revenues accruing each fiscal year (beginning with the fiscal year 1975) from any tax imposed on specified articles by sections 4161(b) and 4181 of title 26, shall, subject to the exemptions in section 4182 of such title, be covered into the Federal aid to wildlife restoration fund in the Treasury (hereinafter referred to as the “fund”) and is authorized to be appropriated and made available until expended to carry out the purposes of this chapter. So much of such appropriations 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 in carrying out the provisions of the Migratory Bird Conservation Act [16 U.S.C. 715 et seq.].

(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the "Wildlife Conservation and Restoration Account". There are authorized to be appropriated for the purposes of the Wildlife Conservation and Restoration Account \$50,000,000 in fiscal year 2001 for apportionment in accordance with this chapter to carry out State wildlife conservation and restoration programs. Further, interest on amounts transferred shall be treated in a manner consistent with 16 U.S.C. 669(b)(1).¹

(b) Investment of unexpended amounts

(1) The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the fund as is not, in his judgment, required for meeting a current year's withdrawals. For purposes of such investment, the Secretary of the Treasury may—

(A) acquire obligations at the issue price and purchase outstanding obligations at the market price; and

(B) sell obligations held in the fund at the market price.

(2) The interest on obligations held in the fund—

(A) shall be credited to the fund;

(B) constitute the sums available for allocation by the Secretary under section 4407 of this title; and

(C) shall become available for apportionment under this chapter at the beginning of fiscal year 2026.

(c) Wildlife Conservation and Restoration Account

(1) Amounts transferred to the Wildlife Conservation and Restoration Account shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

(2) Funds may be used by a State or an Indian tribe for the planning and implementation of its wildlife conservation and restoration program and wildlife conservation strategy, as provided in sections 669c(d) and (e) of this title, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new pro-

grams and projects as well as to enhance existing programs and projects.

(3) Priority for funding from the Wildlife Conservation and Restoration Account shall be for those species with the greatest conservation need as defined by the State wildlife conservation and restoration program.

(d) Obligation of amounts in State

Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the Wildlife Conservation and Restoration Account, so much of such amounts apportioned to any State for any fiscal year as remains unexpended at the close thereof shall remain available for obligation in that State until the close of the second succeeding fiscal year.

(Sept. 2, 1937, ch. 899, § 3, 50 Stat. 917; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Pub. L. 91-503, title I, § 101, Oct. 23, 1970, 84 Stat. 1097; Pub. L. 92-558, title I, § 101(a), Oct. 25, 1972, 86 Stat. 1172; Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 101-233, § 7(a)(1), Dec. 13, 1989, 103 Stat. 1974; Pub. L. 106-553, § 1(a)(2) [title IX, § 902(d)], Dec. 21, 2000, 114 Stat. 2762, 2762A-120; Pub. L. 109-75, § 1, Sept. 29, 2005, 119 Stat. 2034; Pub. L. 114-113, div. G, title I, § 120, Dec. 18, 2015, 129 Stat. 2552.)

REFERENCES IN TEXT

The Migratory Bird Conservation Act, referred to in subsec. (a), is act Feb. 18, 1929, ch. 257, 45 Stat. 1222, as amended, which is classified generally to subchapter III (§ 715 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 715 of this title and Tables.

AMENDMENTS

2015—Subsec. (b)(2)(C). Pub. L. 114-113 substituted "2026" for "2016".

2005—Subsec. (b)(2)(C). Pub. L. 109-75 substituted "2016" for "2006".

2000—Subsec. (a). Pub. L. 106-553, § 1(a)(2) [title IX, § 902(d)(1)], designated existing provisions as par. (1) and added par. (2).

Subsecs. (c), (d). Pub. L. 106-553, § 1(a)(2) [title IX, § 902(d)(2)], added subsecs. (c) and (d).

1989—Pub. L. 101-233 designated existing provisions as subsec. (a) and added subsec. (b).

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.

1972—Pub. L. 92-558 substituted "(beginning with the fiscal year 1975)" for "(beginning with the fiscal year 1971)" and inserted reference to section 4161(b) of title 26.

1970—Pub. L. 91-503 inserted provisions for the deposit of the 10 per cent tax on pistols and revolvers under section 4181 of title 26 into the Federal aid to wildlife restoration fund beginning in fiscal year 1971.

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-233, § 7(a)(3), Dec. 13, 1989, 103 Stat. 1975, provided that: "The amendments made by this subsection of this Act [amending this section and section 669c of this title] take effect October 1, 1989."

EFFECTIVE DATE OF 1972 AMENDMENT

Pub. L. 92-558, title I, § 101(c), Oct. 25, 1972, 86 Stat. 1172, as amended by Pub. L. 93-313, June 8, 1974, 88 Stat. 238, provided that: "The amendments made by subsections (a) and (b) [amending this section and section 669c of this title] of this section shall take effect January 1, 1975."

¹ So in original. Probably should be "paragraph (1) of subsection (b)".

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.

§ 669b-1. Authorization of appropriation of accumulated unappropriated receipts

There is hereby authorized to be appropriated, out of the Federal aid to wildlife restoration fund established by the Act entitled “An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes”, approved September 2, 1937, as amended (16 U.S.C., secs. 669-669i), for the 1956 fiscal year and for each fiscal year thereafter, an amount equal to 20 per centum of the accumulated unappropriated receipts in such fund on August 12, 1955, until the accumulated unappropriated receipts in such fund on such date have been appropriated and expended. Funds appropriated under the authority of this section shall be made available to the States in accordance with the provisions of, and under the apportionment formula set forth in, such Act of September 2, 1937, and shall be in addition to the funds appropriated under section 3 of such Act [16 U.S.C. 669b].

(Aug. 12, 1955, ch. 861, § 1, 69 Stat. 698.)

REFERENCES IN TEXT

The Act entitled “An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes”, approved September 2, 1937, referred to in text, is act Sept. 2, 1937, ch. 899, 50 Stat. 917, known as the Pittman-Robertson Wildlife Restoration Act and also popularly known as the Federal Aid in Wildlife Restoration Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 669 of this title and Tables.

CODIFICATION

Section was not enacted as part of the Pittman-Robertson Wildlife Restoration Act which comprises this chapter.

§ 669c. Allocation and apportionment of available amounts

(a) Set-aside for expenses for administration of this chapter

(1) In general

(A) Set-aside

For fiscal year 2001 and each fiscal year thereafter, of the revenues (excluding interest accruing under section 669b(b) of this title) covered into the fund for the fiscal year, 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 669h of this title.

(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) 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 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 for the fiscal year.

(b) Apportionment to States

The Secretary of the Interior, after deducting the available amount under subsection (a), the amount apportioned under subsection (c), any amount apportioned under section 669g-1 of this title, and amounts provided as grants under sections 669h-1 and 669h-2 of this title, shall apportion the remainder of the revenue in said fund for each fiscal year among the several States in the following manner: One-half in the ratio which the area of each State bears to the total area of all the States, and one-half in the ratio which the number of paid hunting-license holders of each 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 total number of paid hunting-license holders of all the States. Such apportionments shall be adjusted equitably so that no State shall receive less than one-half of 1 per centum nor more than 5 per centum of the total amount apportioned. The term fiscal year as used in this chapter shall be a period of twelve consecutive months from October 1 through the succeeding September 30, except that the period for enumeration of paid hunting-license holders shall be a State's fiscal or license year.

(c) Apportionment of revenues from pistols, revolvers, bows, and arrows

(1) In general

Subject to paragraph (2), ½ of the revenues accruing to the fund under this chapter each fiscal year (beginning with the fiscal year 1975) from any tax imposed on pistols, revolvers, bows, and arrows shall be apportioned among the States in proportion to the ratio that the population of each State bears to the population of all the States.