

(3) The amount of the reimbursement paid to any State under this section with respect to any fiscal year—

(A) may not exceed 75 percent for the development of a conservation plan except that during fiscal years 1982, 1983, and 1984 such amount shall not exceed 90 percent;

(B) for the implementation of nongame fish and wildlife conservation actions approved under section 2904(c) or (d) of this title, may not exceed 75 percent of the cost of implementing the action during such fiscal year, except that if such action is undertaken by two or more States such amount shall not exceed 90 percent;

(C) during and after the fiscal year in which the conservation plan of the State is approved under section 2904(a) of this title, may not exceed 75 percent of the cost of implementing and revising the conservation plan during such fiscal year, or if two or more States cooperate in implementing or revising such plan, such cost shall not exceed 90 percent, and

(D) after September 30, 1991, may not exceed—

(i) 50 percent of the cost of implementing and revising the plan during the fiscal year, if the approved conservation plan of the State covers only nongame fish and wildlife, or

(ii) 75 percent of the cost of implementing and revising the plan during such fiscal year, if the approved conservation plan of the State coordinates and consolidates planning for fish and wildlife.

(4)(A) In computing the costs incurred by any State during any fiscal year in developing or revising conservation plans, in implementing approved conservation plans, or in implementing nongame fish and wildlife conservation actions approved under section 2904(c) or (d) of this title, for which reimbursement may be available under this section, the Secretary shall—

(i) take into account, in addition to each outlay, the value of inkind contributions and real and personal property received and applied during such year by the State for such purposes; and

(ii) not include any other Federal moneys received by such State and applied by it, directly or indirectly, for such purposes.

(B) For purposes of subparagraph (A), inkind contributions may be in the form of, but are not limited to, personal services rendered by volunteers in carrying out surveys, censuses, and other scientific studies regarding fish and wildlife. The Secretary shall by regulation establish (i) the training, experience, and other qualifications which such volunteers must have in order for their services to be considered as inkind contributions; and (ii) the standards under which the Secretary will determine the value of inkind contributions and real and personal property for purposes of subparagraph (A).

(C) Any valuation determination made by the Secretary for purposes of this paragraph shall be final and conclusive.

(Pub. L. 96-366, § 6, Sept. 29, 1980, 94 Stat. 1325.)

## Editorial Notes

### REFERENCES IN TEXT

The Pittman-Robertson Wildlife Restoration Act, referred to in subsecs. (a)(5) and (c)(5), is act Sept. 2, 1937, ch. 899, 50 Stat. 917, also known as the Federal Aid in Wildlife Restoration Act, which is classified generally to chapter 5B (§669 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 669 of this title and Tables.

The Dingell-Johnson Sport Fish Restoration Act, referred to in subsecs. (a)(5) and (c)(5), is act Aug. 9, 1950, ch. 658, 64 Stat. 430, also known as the Federal Aid in Fish Restoration Act and the Fish Restoration and Management Projects Act, which is classified generally to chapter 10B (§777 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 777 of this title and Tables.

16 U.S.C. 777c(a)(1), referred to in subsecs. (a)(5) and (c)(5), probably is a reference to section 6(a)(1) of act Aug. 9, 1950, ch. 658, 64 Stat. 432, which is classified to section 777e(a)(1) of this title.

### § 2906. Terms and conditions of reimbursement

Reimbursements made to the States under section 2905 of this title shall be subject to such terms and conditions as the Secretary shall by regulation prescribe as being necessary or appropriate to protect the interests of the United States. Such terms and conditions shall include, but not be limited to, the following:

(1) Each State and each designated State agency shall keep such records as the Secretary shall require as being necessary or appropriate for fully disclosing the amount and purposes of costs incurred by the State for which reimbursement under section 2905 of this title is, or may be, sought. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for purposes of audit and examination, to such records.

(2) Upon a finding by the Secretary, after notice and opportunity for an agency hearing on the record, that any State has received reimbursement under section 2905 of this title for which it is not eligible, or has violated any term or condition imposed under this section, the State shall thereafter be ineligible to receive reimbursement under such section until restitution satisfactory to the Secretary is made, such violation ceases, or adverse effects resulting from such violation are remedied.

(Pub. L. 96-366, § 7, Sept. 29, 1980, 94 Stat. 1327.)

### § 2907. Allocation of funds for administration and reimbursement of States

#### (a) In general

The total amount appropriated pursuant to section 2910 of this title for any fiscal year shall be available for administration and for allocation among the States as provided in this section.

#### (b) Allocation formula

Of the total amount appropriated for any fiscal year pursuant to section 2910 of this title—

(1) the Secretary shall deduct so much, but not to exceed 8 percent thereof, as may be necessary for administering during such fiscal year the provisions of this chapter relating to the purposes for which so appropriated;

(2) less the deduction under paragraph (1), the Secretary shall allocate—

(A) for the District of Columbia and the Commonwealth of Puerto Rico each a sum equal to not more than one-half of 1 percent of such amount; and

(B) for Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands each a sum equal to not more than one-sixth of 1 percent of such amount; and

(3) less the deduction under paragraph (1) and the sums allocated under paragraph (2), the Secretary shall allocate for each of the States (other than those provided for in paragraph (2)) a sum—

(A) one-third of which is based on the ratio to which the area of such State bears to the total area of all such States, and

(B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States,

except all sums allocated under this paragraph shall be adjusted equitably so that no State shall be allocated a sum which is less than one-half of 1 percent of the amount available for allocation under this paragraph for any fiscal year or more than 5 percent of such amount.

**(c) Treatment of amounts allocated but not used for any fiscal year**

(1) That portion of any amount deducted by the Secretary under subsection (b)(1) for administrative purposes for any fiscal year and not expended during such fiscal year shall remain available for administrative purposes until the close of the next succeeding fiscal year and if not obligated or expended by the close of such succeeding fiscal year shall be available for disbursement by the Secretary without regard to subsection (b), to the States to carry out the purposes of this chapter.

(2) That portion of any amount allocated to any State under subsection (b)(2) or (3) for any fiscal year and not disbursed to the State for such fiscal years under section 2905 of this title shall remain available for disbursement to the State under such section for the next succeeding fiscal year and if not disbursed for such succeeding fiscal year shall be available for disbursement by the Secretary, without regard to subsection (b), to the States to carry out the purposes of this chapter.

(Pub. L. 96-366, § 8, Sept. 29, 1980, 94 Stat. 1328.)

**Executive Documents**

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

**§ 2908. Other Federal assistance and actions**

The Secretary and the chief executive officer of any other appropriate Federal department or agency may loan to any State such personnel and equipment of the department or agency,

share such scientific or other appropriate information, and provide such other assistance as the Secretary or officer determines appropriate for purposes of assisting any State to develop or revise conservation plans.

(Pub. L. 96-366, § 9, Sept. 29, 1980, 94 Stat. 1329.)

**§ 2909. Disclaimers**

Nothing in this chapter shall be construed as affecting—

(1) the authority, jurisdiction, or responsibility of the States to manage, control, or regulate fish and resident wildlife under State law;

(2) any requirement under State law that lands, waters, and interests therein may only be acquired for conservation purposes if the owner thereof is a willing seller; and

(3) the authority of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468-1469, 7 U.S.C. 426-426b).<sup>1</sup>

(Pub. L. 96-366, § 10, Sept. 29, 1980, 94 Stat. 1329.)

**Editorial Notes**

REFERENCES IN TEXT

Act of March 2, 1931, referred to in par. (3), is act Mar. 2, 1931, ch. 370, 46 Stat. 1468, which was formerly classified to sections 426 to 426b of Title 7, Agriculture. Sections 1 and 3 of the Act, which were formerly classified to sections 426 and 426b, respectively, of Title 7, were editorially reclassified as sections 8351 and 8352, respectively, of Title 7. Section 2 of the Act, which was formerly classified to section 426a of Title 7, was omitted from the Code as obsolete. For complete classification of this Act to the Code, see Tables.

**§ 2910. Authorization of appropriations**

There are authorized to be appropriated for purposes of making reimbursements under section 2905 of this title to States for the development and implementation of conservation plans and for administration of this chapter under section 2907 of this title not to exceed \$5,000,000 for each of fiscal years 1992, 1993, 1994, 1995, 1996, and 1997.

(Pub. L. 96-366, § 11, Sept. 29, 1980, 94 Stat. 1329; Pub. L. 99-375, Aug. 7, 1986, 100 Stat. 803; Pub. L. 100-653, title VIII, § 801, Nov. 14, 1988, 102 Stat. 3833; Pub. L. 101-593, title I, § 106, Nov. 16, 1990, 104 Stat. 2955; Pub. L. 102-440, title III, § 301, Oct. 23, 1992, 106 Stat. 2234.)

**Editorial Notes**

AMENDMENTS

1992—Pub. L. 102-440 substituted “fiscal years 1992, 1993, 1994, 1995, 1996, and 1997” for “fiscal years 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, and 1992”.

1990—Pub. L. 101-593 substituted “1990, 1991, and 1992” for “and 1990”.

1988—Pub. L. 100-653 substituted “1988, 1989, and 1990” for “and 1988”.

1986—Pub. L. 99-375 substituted “1985, 1986, 1987, and 1988” for “and 1985”.

**§ 2911. Study on most equitable and effective mechanism for funding State conservation plans; report to Congressional committees**

The Director of the United States Fish and Wildlife Service, in consultation with affected

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