

(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State made pursuant to subsection (c)³ of this section an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State's wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for wildlife-associated recreation.

(5) For purposes of this subsection, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(Sept. 2, 1937, ch. 899, § 4, 50 Stat. 918; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; July 24, 1946, ch. 605, § 1, 60 Stat. 656; Pub. L. 91-503, title I, § 102, Oct. 23, 1970, 84 Stat. 1098; Pub. L. 92-558, title I, § 101(b), Oct. 25, 1972, 86 Stat. 1172; Pub. L. 94-273, § 4(1), Apr. 21, 1976, 90 Stat. 377; Pub. L. 99-396, § 8(b), Aug. 27, 1986, 100 Stat. 839; Pub. L. 101-233, § 7(a)(2), Dec. 13, 1989, 103 Stat. 1975; Pub. L. 106-408, title I, § 111(a), Nov. 1, 2000, 114 Stat. 1763; Pub. L. 106-553, § 1(a)(2) [title IX, § 902(e)], Dec. 21, 2000, 114 Stat. 2762, 2762A-121.)

AMENDMENTS

2000—Pub. L. 106-408 inserted section catchline, substituted subsec. (a) for "(a) So much, not to exceed 8 per centum, of the revenues (excluding interest accruing under section 669b(b) of this title) covered into said fund in each fiscal year as the Secretary of the Interior may estimate to be necessary for his expenses in the administration and execution of this chapter and the Migratory Bird Conservation Act 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, and within sixty days after the close of such fiscal year the Secretary of the Interior shall apportion such part thereof as remains unexpended by him, if any, and make certificate thereof to the Secretary of the Treasury and to the State fish and game departments on the same basis and in the same manner as is provided as to other amounts authorized by this chapter to be apportioned among the States for

³Probably means the subsection (c) relating to apportionment of Wildlife Conservation and Restoration Account.

such current fiscal year.", inserted subsec. (b) designation and heading, substituted "after deducting the available amount under subsection (a) of this section, the amount apportioned under subsection (c) of this section, 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" for "after making the aforesaid deduction, shall apportion, except as provided in subsection (b) of this section," redesignated former subsec. (b) as (c), and inserted "Puerto Rico," after "American Samoa,".

Subsec. (c). Pub. L. 106-553 added subsec. (c) relating to apportionment of Wildlife Conservation and Restoration Account.

Subsec. (d). Pub. L. 106-553 added subsec. (d).

1989—Subsec. (a). Pub. L. 101-233 inserted "(excluding interest accruing under section 669b(b) of this title)" after "revenues" in first sentence.

1986—Subsec. (b). Pub. L. 99-396 inserted "and Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands shall each be apportioned one-sixth of 1 per centum of such revenues".

1976—Subsec. (a). Pub. L. 94-273 substituted "September" for "June", and "October" for "July".

1972—Subsec. (b). Pub. L. 92-558 substituted "(beginning with the fiscal year 1975)" for "(beginning with the fiscal year 1971)" and "pistols, revolvers, bows, and arrows" for "pistols and revolvers".

1970—Pub. L. 91-503 designated existing provisions as subsec. (a), substituted "second fiscal year preceding" for "preceding fiscal year" in provision dealing with the apportionment by the Secretary of the Interior, defined "fiscal year", and struck out provisions dealing with the maximum and minimum apportionments "to all the States", and added subsec. (b).

1946—Act July 24, 1946, substituted proviso making apportionment upon a percentage basis for provisos providing for certain definite sums to be apportioned to each State.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-233 effective Oct. 1, 1989, see section 7(a)(3) of Pub. L. 101-233, set out as a note under section 669b of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-558 effective Jan. 1, 1975, see section 101(c) of Pub. L. 92-558, set out as a note under section 669b of this title.

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.

SUSPENSION OF EXPENSE LIMITATION

The Interior Department Appropriation Act, 1945, act June 28, 1944, ch. 298, § 1, 58 Stat. 504, provided that the limitations in this chapter were waived to the extent necessary to provide overtime under the provisions of the War Overtime Pay Act, 1943, former sections 1401 to 1415 of Appendix to Title 50, War and National Defense, which act expired June 30, 1945.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 669g, 669h, 669h-1, 669h-2, 669k of this title.

§ 669d. Apportionment; certification to States and Secretary of the Treasury; acceptance by States; disposition of funds not accepted

For each fiscal year, 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 Migratory Bird Conservation Act [16 U.S.C. 715 et seq.] and the sum which he has apportioned to each State. Any State desiring to avail itself of the benefits of this chapter shall notify the Secretary of the Interior to this effect within sixty days after it has received the certification referred to in this section. The sum apportioned to any State which fails to notify the Secretary of the Interior as herein provided 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.

(Sept. 2, 1937, ch. 899, § 5, 50 Stat. 918; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Pub. L. 91-503, title I, § 102, Oct. 23, 1970, 84 Stat. 1098; Pub. L. 106-408, title I, § 114, Nov. 1, 2000, 114 Stat. 1769.)

REFERENCES IN TEXT

The Migratory Bird Conservation Act, referred to in text, 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

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

1970—Pub. L. 91-503 struck out requirement that apportionments be made by February 20 of each year preceding commencement of fiscal year in which funds would be used.

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.

§ 669e. Submission and approval of plans and projects

(a) Setting aside 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 wildlife 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 appor-

tioned 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 wildlife-restoration 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 fund 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 wildlife plans 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 wildlife 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 purposes of this chapter as a wildlife 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 agency having primary jurisdiction over the wildlife resources of the State which may be charged against programs or projects supported by the fund established by section 669b of this title shall not exceed in any one fiscal year 3 per centum of the annual apportionment to the State.

(Sept. 2, 1937, ch. 899, § 6, 50 Stat. 918; 1939 Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Pub. L. 91-503, title I, § 102, Oct. 23, 1970, 84 Stat. 1099.)

AMENDMENTS

1970—Subsec. (a). Pub. L. 91-503 inserted an alternative method of application for funds by the submission of a comprehensive fish and wildlife resource management plan for a period of five years based on projections for fifteen years, to be updated every three years, laid down a maximum limit of federal assistance of 75 per cent of the estimated cost of the implementation of the plan, and, in the existing method of application, now contained in par. (2), struck out reference to Secretary of the Treasury and the requirement that the State pay 10 per cent of the costs.