

Restoration Act (16 U.S.C. 777 et seq.) shall be known as the ‘Federal Assistance Program for State Wildlife and Sport Fish Restoration’.”

§ 669a. Definitions

As used in this chapter—

(1) the term “conservation” means the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife, including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population, as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law;

(2) the term “Secretary” means the Secretary of the Interior;

(3) the term “State fish and game department” or “State fish and wildlife department” means 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 or State fish and wildlife department.

(4) the term “wildlife” means any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range;

(5) the term “wildlife-associated recreation” means projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, field trialing, trail heads, and access for such projects;

(6) the term “wildlife conservation and restoration program” means a program developed by a State fish and wildlife department and approved by the Secretary under section 669c(d)¹ of this title, the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this chapter,¹ and maintenance of such projects;

(7) the term “wildlife conservation education” means projects, including public outreach, intended to foster responsible natural resource stewardship; and

(8) the term “wildlife-restoration project” includes the wildlife conservation and restoration program and means the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding,

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.)

REFERENCES IN TEXT

Section 669c(d) of this title, referred to in par. (6), 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.

This chapter, referred to in par. (6), 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

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

Section 5 of act July 2, 1956, provided in part that: “The amendments made by this Act [amending 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].”

SECTION REFERRED TO IN OTHER SECTIONS

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

§ 669b. Authorization of appropriations

(a) In general

(1) An amount equal to all revenues accruing each fiscal year (beginning with the fiscal year

¹ See References in Text note below.

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;

(C) shall become available for apportionment under this chapter at the beginning of fiscal year 2006.

(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)² of this title, including 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.

(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.)

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

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

Section 7(a)(3) of Pub. L. 101-233 provided that: “The amendments made by this subsection of this Act

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

²So in original. Section 669c of this title does not contain a subsec. (e).

[amending this section and section 669c of this title] take effect October 1, 1989.”

EFFECTIVE DATE OF 1972 AMENDMENT

Section 101(c) of Pub. L. 92-558, 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] shall take effect January 1, 1975.”

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 669b-1, 669c, 669e, 1535, 4404, 4405, 4407, 4411 of this title.

§ 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 this chapter, 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, this chapter, and shall be in addition to the funds appropriated under section 669b of this title.

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

CODIFICATION

Section was not enacted as part of act Sept. 2, 1937, ch. 899, 50 Stat. 917, 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) of this section, the amount apportioned under subsection (c)¹ 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 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)² Apportionment of certain taxes

One-half 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: *Provided*, That each State shall be apportioned not more than 3 per centum and not less than 1 per centum

¹ Probably means the subsection (c) relating to apportionment of certain taxes.

² So in original. Two subsecs. (c) have been enacted.