

dredged material disposal areas, and relocations necessary for the project.

“(C) CREDIT FOR CONTRIBUTIONS.—

“(1) IN GENERAL.—The value of land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subsection (b) for a project shall be credited toward the non-Federal share of the costs of the project.

“(2) BONNEVILLE POWER ADMINISTRATION.—

“(A) IN GENERAL.—The Secretary may, without further appropriation and without fiscal year limitation, accept any amounts provided to the Secretary by the Administrator of the Bonneville Power Administration.

“(B) NON-FEDERAL SHARE.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity for a project carried under the Program shall be credited toward the non-Federal share of the costs of the project.

“(d) ADDITIONAL COSTS.—

“(1) NON-FEDERAL RESPONSIBILITIES.—The non-Federal participants in any project carried out under the Program on land or at a facility that is not owned by the United States shall be responsible for all costs associated with operating, maintaining, repairing, rehabilitating, and replacing the project.

“(2) FEDERAL RESPONSIBILITY.—The Federal Government shall be responsible for costs referred to in paragraph (1) for projects carried out on Federal land or at a Federal facility.

“SEC. 8. LIMITATION ON ELIGIBILITY FOR FUNDING.

“A project that receives funds under this Act shall be ineligible to receive Federal funds from any other source for the same purpose.

“SEC. 9. REPORT.

“On the expiration of the third fiscal year for which any amounts are made available to carry out this Act, the Secretary shall, after partnering with local governmental entities and the States in the Pacific Ocean drainage area, submit to Congress a report describing—

“(1) the projects that have been completed under this Act;

“(2) the projects that will be completed with amounts made available under this Act during the remaining fiscal years for which amounts are authorized to be appropriated under section 10; and

“(3) recommended changes to the Program as a result of projects that have been carried out under this Act.

“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$15 million through 2021.

“(b) LIMITATIONS.—

“(1) SINGLE STATE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 25 percent of the total amount of funds made available under this section may be used for one or more projects in any single State.

“(B) WAIVER.—On notification to Congress, the Secretary may waive the limitation under subparagraph (A) if a State is unable to use the entire amount of funding made available to the State under this Act.

“(2) ADMINISTRATIVE EXPENSES.—

“(A) DEFINITION OF ADMINISTRATIVE EXPENSE.—In this paragraph, the term ‘administrative expense’ means, except as provided in subparagraph (B)(iii)(II), any expenditure relating to—

“(i) staffing and overhead, such as the rental of office space and the acquisition of office equipment; and

“(ii) the review, processing, and provision of applications for funding under the Program.

“(B) LIMITATION.—

“(i) IN GENERAL.—Not more than 6 percent of amounts made available to carry out this Act for

each fiscal year may be used for Federal and State administrative expenses of carrying out this Act.

“(ii) FEDERAL AND STATE SHARES.—To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i)—

“(I) 50 percent shall be provided to the State agencies provided assistance under the Program; and

“(II) an amount equal to the cost of 1 full-time equivalent Federal employee, as determined by the Secretary, shall be provided to the Federal agency carrying out the Program.

“(iii) STATE EXPENSES.—Amounts made available to States for administrative expenses under clause (i)—

“(I) shall be divided evenly among all States provided assistance under the Program; and

“(II) may be used by a State to provide technical assistance relating to the program, including any staffing expenditures (including staff travel expenses) associated with—

“(aa) arranging meetings to promote the Program to potential applicants;

“(bb) assisting applicants with the preparation of applications for funding under the Program; and

“(cc) visiting construction sites to provide technical assistance, if requested by the applicant.”

[Pub. L. 114-322, title III, § 4010(b)(7)(A), Dec. 16, 2016, 130 Stat. 1874, which directed the amendment of section 10(a) of Pub. L. 106-502, set out above, by substituting “\$15 million through 2021” for “\$25 million for each of fiscal years 2009 through 2015”, was executed by making the substitution for “\$25,000,000 for each of fiscal years 2009 through 2015” to reflect the probable intent of Congress.]

Executive Documents

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior in view of: creation of National Oceanic and Atmospheric Administration in Department of Commerce and Office of Administrator of such Administration; abolition of Bureau of Commercial Fisheries in Department of the Interior and Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in Secretary of the Interior or Department of the Interior which were administered through Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf-Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

§ 777a. Definitions

For purposes of this chapter—

(1) the term “fish restoration and management projects” shall be construed to mean projects designed for the restoration and management of all species of fish which have material value in connection with sport or recreation in the marine and/or fresh waters of the United States and include—

(A) such research into problems of fish management and culture as may be necessary to efficient administration affecting fish resources;

(B) the acquisition of such facts as are necessary to guide and direct the regulation of

fishing by law, including the extent of the fish population, the drain on the fish supply from fishing and/or natural causes, the necessity of legal regulation of fishing, and the effects of any measures of regulation that are applied;

(C) the formulation and adoption of plans of restocking waters with food and game fishes according to natural areas or districts to which such plans are applicable, together with the acquisition of such facts as are necessary to the formulation, execution, and testing the efficacy of such plans;

(D) the selection, restoration, rehabilitation, and improvement of areas of water or land adaptable as hatching, feeding, resting, or breeding places for fish, 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 such preliminary or incidental costs and expenses as may be incurred in and about such works; 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;

(2) the term “outreach and communications program” means a program to improve communications with anglers, boaters, and the general public regarding angling and boating opportunities, to reduce barriers to participation in these activities, to advance adoption of sound fishing and boating practices, to promote conservation and the responsible use of the Nation’s aquatic resources, and to further safety in fishing and boating; and

(3) the term “aquatic resource education program” means a program designed to enhance the public’s understanding of aquatic resources and sportfishing, and to promote the development of responsible attitudes and ethics toward the aquatic environment.

(Aug. 9, 1950, ch. 658, §2, 64 Stat. 431; July 2, 1956, ch. 489, §3, 70 Stat. 473; Pub. L. 86-624, §12, July 12, 1960, 74 Stat. 413; Pub. L. 105-178, title VII, §7402(a), June 9, 1998, 112 Stat. 483.)

Editorial Notes

AMENDMENTS

1998—Pub. L. 105-178 inserted introductory provisions “For purposes of this chapter—”, designated existing provisions as par. (1), substituted “the term” for “For the purpose of this chapter the term”, redesignated subsecs. (a) to (d) as subpars. (A) to (D), respectively, of par. (1), substituted “department;” for “department.” at end of subpar. (D), realigned margins, and added pars. (2) and (3).

1960—Subsec. (d). 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”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1956 AMENDMENT

Amendment by act July 2, 1956, as applicable only with respect to fiscal years beginning after July 2, 1956, see section 5 of act July 2, 1956, set out as a note under section 669a of this title.

§ 777b. Authorization of appropriations

To carry out the provisions of this chapter for fiscal years after September 30, 1984, there are authorized to be appropriated from the Sport Fish Restoration and Boating Trust Fund established by section 9504(a) of title 26 the amounts paid, transferred, or otherwise credited to that Trust Fund, except as provided in section 9504(c) of title 26. For purposes of the provision of the Act of August 31, 1951, which refers to this section, such amounts shall be treated as the amounts that are equal to the revenues described in this section. The appropriation made under the provisions of this section for each fiscal year shall continue available during succeeding fiscal years. So much of such appropriation 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 to supplement the 58.012 percent of the balance of each annual appropriation to be apportioned among the States, as provided for in section 777c(c) of this title.

(Aug. 9, 1950, ch. 658, §3, 64 Stat. 431; Pub. L. 98-369, div. A, title X, §1014(a)(2), July 18, 1984, 98 Stat. 1015; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 109-59, title X, §10112(a), (b)(1), Aug. 10, 2005, 119 Stat. 1927; Pub. L. 114-94, div. A, title X, §10001(a), Dec. 4, 2015, 129 Stat. 1619.)

Editorial Notes

REFERENCES IN TEXT

The provision of the Act of August 31, 1951, referred to in text, is set out as a note below.

AMENDMENTS

2015—Pub. L. 114-94 substituted “58.012 percent” for “57 percent”.

2005—Pub. L. 109-59 substituted “Sport Fish Restoration and Boating Trust Fund” for “Sport Fish Restoration Account”, “that Trust Fund, except as provided in section 9504(c) of title 26” for “that Account”, “during succeeding fiscal years” for “during the succeeding fiscal year”, and “to supplement the 57 percent of the balance of each annual appropriation to be apportioned among the States, as provided for in section 777c(c) of this title” for “in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport and recreation”.

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.

1984—Pub. L. 98-369 substituted “To carry out the provisions of this chapter for fiscal years after September 30, 1984, there are authorized to be appropriated