

(A) consist of the construction, renovation, or maintenance of facilities for transient nontrailerable recreational vessels in accordance with a plan submitted by a State under subsection (c);

(B) provide for public/private partnership efforts to develop, maintain, and operate facilities for transient nontrailerable recreational vessels; and

(C) propose innovative ways to increase the availability of facilities for transient nontrailerable recreational vessels.

(e) Definitions

For purposes of this section, the term—

(1) “nontrailerable recreational vessel” means a recreational vessel 26 feet in length or longer—

(A) operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter’s pleasure;

(2) “facilities for transient nontrailerable recreational vessels” includes mooring buoys, day-docks, navigational aids, seasonal slips, safe harbors, or similar structures located on navigable waters, that are available to the general public (as determined by the Secretary of the Interior) and designed for temporary use by nontrailerable recreational vessels; and

(3) “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(Pub. L. 105-178, title VII, §7404, June 9, 1998, 112 Stat. 486; Pub. L. 105-206, title IX, §9012(c), July 22, 1998, 112 Stat. 864; Pub. L. 109-59, title X, §10115, Aug. 10, 2005, 119 Stat. 1928.)

Editorial Notes

REFERENCES IN TEXT

Paragraph (4) of section 777c(a), referred to in subsec. (d)(1), was repealed by Pub. L. 114-94, div. A, title X, §10001(b)(1)(D), Dec. 4, 2015, 129 Stat. 1620. See section 777c(a)(3)(A) of this title.

CODIFICATION

Section is comprised of section 7404 of Pub. L. 105-178. Subsec. (b) of section 7404 of Pub. L. 105-178, as amended by Pub. L. 105-206, §9012(c), amended section 777g of this title.

Section was enacted as part of the Sportfishing and Boating Safety Act of 1998, and also as part of the Transportation Equity Act for the 21st Century, and not as part of the Fish Restoration and Management Projects Act which comprises this chapter.

AMENDMENTS

2005—Subsec. (d)(1). Pub. L. 109-59 substituted “section 777c(a)(4) of this title” for “section 777c(b)(3)(B) of this title”.

1998—Subsec. (b). Pub. L. 105-206, §9012(c), made a technical amendment to directory language of Pub. L. 105-178, §7404(b). See Codification note above.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2005 AMENDMENTS

From Aug. 10, 2005, to end of fiscal year 2005, subsec. (d)(1) of this section considered to read as immediately before enactment of Pub. L. 109-59, see section 101(b) of

Pub. L. 109-74, set out as a note under section 777b of this title.

Amendment by Pub. L. 109-59 effective Oct. 1, 2005, see section 10102 of Pub. L. 109-59, set out as a note under section 777b of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105-206 effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, and provisions of Pub. L. 105-178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105-206 to be treated as not enacted, see section 9016 of Pub. L. 105-206, set out as a note under section 101 of Title 23, Highways.

§ 777h. Requirements and restrictions concerning use of amounts for expenses for administration

(a) Authorized expenses for administration

Except as provided in subsection (b), the Secretary of the Interior may use available amounts under section 777c(b) of this title only for expenses for administration that directly support the implementation of this chapter that consist of—

(1) personnel costs of employees for the work hours of each employee spent directly administering this chapter, as those hours are certified by the supervisor of the employee;

(2) support costs directly associated with personnel costs authorized under paragraph (1), excluding costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior other than for the purposes of this chapter;

(3) costs of determining under section 777e(a) of this title whether State comprehensive plans and projects are substantial in character and design;

(4) overhead costs, including the costs of general administrative services, that are directly attributable to administration of this chapter and are based on—

(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

(B) in the case of costs that are not determinable under subparagraph (A), an amount per employee authorized under paragraph (1) that does not exceed the amount charged or assessed for costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service;

(5) costs incurred in auditing, every 5 years, the wildlife and sport fish activities of each State fish and game department and the use of funds under section 777e of this title by each State fish and game department;

(6) costs of audits under subsection (d);

(7) costs of necessary training of Federal and State personnel who administer this chapter to improve administration of this chapter;

(8) costs of travel to States, territories, and Canada by personnel who—

(A) administer this chapter for purposes directly related to administration of State programs or projects; or

(B) administer grants under section 777e or 777m of this title;

(9) costs of travel outside the United States (except travel to Canada), by personnel who administer this chapter, for purposes that directly relate to administration of this chapter and that are approved directly by the Assistant Secretary for Fish and Wildlife and Parks;

(10) relocation expenses for personnel who, after relocation, will administer this chapter on a full-time or part-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time at which the relocation expenses are incurred, subject to the condition that the percentage of the relocation expenses paid with funds made available pursuant to this chapter may not exceed the percentage of the work hours of the employee that are spent administering this chapter; and

(11) costs to audit, evaluate, approve, disapprove, and advise concerning grants under sections 777e and 777m of this title.

(b) Reporting of other uses

(1) In general

Subject to paragraph (2), if the Secretary of the Interior determines that available amounts under section 777c(b) of this title should be used for an expense for administration other than an expense for administration described in subsection (a), the Secretary—

(A) shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the expense for administration and stating the amount of the expense; and

(B) may use any such available amounts for the expense for administration only after the end of the 30-day period beginning on the date of submission of the report under subparagraph (A).

(2) Maximum amount

For any fiscal year, the Secretary of the Interior may use under paragraph (1) not more than \$25,000.

(c) Restriction on use to supplement general appropriations

The Secretary of the Interior shall not use available amounts under subsection (b) to supplement the funding of any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

(d) Audit requirement

(1) In general

The Inspector General of the Department of the Interior shall procure the performance of biennial audits, in accordance with generally accepted accounting principles, of expenditures and obligations of amounts used by the Secretary of the Interior for expenses for administration incurred in implementation of this chapter.

(2) Auditor

(A) In general

An audit under this subsection shall be performed under a contract that is awarded

under competitive procedures (as defined in section 132 of title 41) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit or other review).

(B) Supervision of auditor

The auditor selected under subparagraph (A) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time at which the findings are submitted to the Inspector General of the Department of the Interior.

(3) Report to Congress

The Inspector General of the Department of the Interior shall promptly submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—

(A) a report on the results of each audit under this subsection; and

(B) a copy of each audit under this subsection.

(Aug. 9, 1950, ch. 658, §9, 64 Stat. 433; Pub. L. 106-408, title I, §121(b), Nov. 1, 2000, 114 Stat. 1770; Pub. L. 109-59, title X, §10116, Aug. 10, 2005, 119 Stat. 1929; Pub. L. 117-58, div. B, title VIII, §28001(a)(2), Nov. 15, 2021, 135 Stat. 887; Pub. L. 117-263, div. K, title CXIII, §11324(a)(2), Dec. 23, 2022, 136 Stat. 4095.)

Editorial Notes

CODIFICATION

In subsec. (d)(2)(A), “section 132 of title 41” substituted for “section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

2022—Subsec. (a)(7). Pub. L. 117-263, §11324(a)(2)(A), struck out “full-time” before “personnel”.

Subsec. (a)(9). Pub. L. 117-263, §11324(a)(2)(B), struck out “on a full-time basis” after “administer this chapter”.

2021—Subsec. (a)(1). Pub. L. 117-58, §28001(a)(2)(A), added par. (1) and struck out former par. (1) which read as follows: “personnel costs of employees who directly administer this chapter on a full-time basis;”.

Subsec. (a)(2). Pub. L. 117-58, §28001(a)(2)(C), substituted “paragraph (1)” for “paragraphs (1) and (2)”.

Pub. L. 117-58, §28001(a)(2)(A), (B), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “personnel costs of employees who directly administer this chapter on a part-time basis for at least 20 hours each week, not to exceed the portion of those costs incurred with respect to the work hours of the employee during which the employee directly administers this chapter, as those hours are certified by the supervisor of the employee;”.

Subsec. (a)(3), (4). Pub. L. 117-58, §28001(a)(2)(B), redesignated pars. (4) and (5) as (3) and (4), respectively. Former par. (3) redesignated (2).

Subsec. (a)(4)(B). Pub. L. 117-58, §28001(a)(2)(D), substituted “employee authorized under paragraph (1)” for “full-time equivalent employee authorized under paragraphs (1) and (2)”.

Subsec. (a)(5) to (8). Pub. L. 117-58, §28001(a)(2)(B), redesignated pars. (6) to (9) as (5) to (8), respectively. Former par. (5) redesignated (4).

Subsec. (a)(8)(A). Pub. L. 117-58, §28001(a)(2)(E), struck out “on a full-time basis” after “administer this chapter”.

Subsec. (a)(9) to (12). Pub. L. 117-58, §28001(a)(2)(B), (F), redesignated pars. (10) to (12) as (9) to (11), respectively, and in par. (10), inserted “or part-time” after “full-time” and “, subject to the condition that the percentage of the relocation expenses paid with funds made available pursuant to this chapter may not exceed the percentage of the work hours of the employee that are spent administering this chapter” after “incurred”. Former par. (9) redesignated (8).

2005—Subsecs. (a), (b)(1). Pub. L. 109-59 substituted “section 777c(b)” for “section 777c(d)(1)” in introductory provisions.

2000—Pub. L. 106-408 amended section generally. Prior to amendment, section read as follows: “Out of the deductions set aside for administering and executing this chapter the Secretary of the Interior is authorized to employ such assistants, clerks, and other persons in the District of Columbia and elsewhere, to be taken from the eligible lists of the civil service; to rent or construct buildings outside of the District of Columbia; to purchase such supplies, materials, equipment, office fixtures, and apparatus; and to incur such travel and other expenses, including publication of technical and administrative reports, purchase, maintenance, and hire of passenger-carrying motor vehicles, as he may deem necessary for carrying out the provisions of this chapter.”

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

EFFECTIVE DATE OF 2005 AMENDMENTS

From Aug. 10, 2005, to end of fiscal year 2005, subsecs. (a) and (b)(1) of this section considered to read as immediately before enactment of Pub. L. 109-59, see section 101(b) of Pub. L. 109-74, set out as a note under section 777b of this title.

Amendment by Pub. L. 109-59 effective Oct. 1, 2005, see section 10102 of Pub. L. 109-59, set out as a note under section 777b of this title.

§ 777i. Rules and regulations

The Secretary of the Interior is authorized to make rules and regulations for carrying out the provisions of this chapter.

(Aug. 9, 1950, ch. 658, §10, 64 Stat. 434.)

Executive Documents

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, see note set out under section 777 of this title.

§ 777j. Repealed. Pub. L. 89-348, §1(14), Nov. 8, 1965, 79 Stat. 1311

Section, act Aug. 9, 1950, ch. 658, §11, 64 Stat. 434, required the Secretary of the Interior to make an annual report to the Congress giving detailed information as to the projects established under this chapter and expenditures therefor.

§ 777k. Payments of funds to and cooperation with Puerto Rico, the District of Columbia, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, and Virgin Islands

The Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture of

Puerto Rico, the Mayor of the District of Columbia, the Governor of Guam, the Governor of American Samoa, the Governor of the Commonwealth of the Northern Mariana Islands, and the Governor of the Virgin Islands, in the conduct of fish restoration and management projects, as defined in section 777a of this title, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to Puerto Rico, the District of Columbia, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands, out of money available for apportionment under this chapter, such sums as he shall determine, not exceeding for Puerto Rico 1 per centum, for the District of Columbia one-third of 1 per centum, for Guam one-third of 1 per centum, for American Samoa one-third of 1 per centum, for the Commonwealth of the Northern Mariana Islands one-third of 1 per centum, and for the Virgin Islands one-third of 1 per centum of the total amount apportioned in any one year, but the Secretary shall in no event require any of said cooperating agencies to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpended or unobligated balance of any apportionment made pursuant to this section shall be made available for expenditure in Puerto Rico, the District of Columbia, Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands, as the case may be, in the succeeding year, on any approved projects, and if unexpended or unobligated at the end of such year 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 under section 777c(c) of this title.

(Aug. 9, 1950, ch. 658, §12, 64 Stat. 434; July 2, 1956, ch. 489, §4, 70 Stat. 473; Aug. 1, 1956, ch. 852, §8, 70 Stat. 908; Pub. L. 86-70, §16, June 25, 1959, 73 Stat. 143; Pub. L. 91-503, title II, §203, Oct. 23, 1970, 84 Stat. 1103; Pub. L. 96-597, title III, §302(a), Dec. 24, 1980, 94 Stat. 3477; Pub. L. 98-369, div. A, title X, §1014(a)(7), July 18, 1984, 98 Stat. 1016; Pub. L. 109-59, title X, §10117, Aug. 10, 2005, 119 Stat. 1929; Pub. L. 114-94, div. A, title X, §10001(e), Dec. 4, 2015, 129 Stat. 1621.)

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-94 substituted “58.012 percent” for “57 percent” and “under section 777c(c) of this title” for “under section 777c(b) of this title”.

2005—Pub. L. 109-59 substituted “to supplement the 57 percent of the balance of each annual appropriation to be apportioned among the States under section 777c(b) 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 or recreation” before period at end.

1984—Pub. L. 98-369 inserted “the Mayor of the District of Columbia,” after “the Secretary of Agriculture of Puerto Rico,” “for the District of Columbia one-third of 1 per centum,” after “for Puerto Rico 1 per centum,” and “the District of Columbia,” after “Puerto Rico,” in two places.

1980—Pub. L. 96-597 inserted references to the Governor and the Commonwealth of the Northern Mariana Islands.

1970—Pub. L. 91-503 substituted “Secretary of Agriculture of Puerto Rico” for “Commissioner of Agri-