

retary certifies that the State has developed and is implementing a plan that ensures there are and will be public boat access adequate to meet the needs of recreational boaters on its waters.

#### (4) Funding

A State that conducts a public boat access needs survey under paragraph (2) may fund the costs of conducting that assessment out of amounts allocated to it as funding dedicated to motorboat access to recreational waters under subsection (b)(1) of this section.

(Aug. 9, 1950, ch. 658, § 8, 64 Stat. 433; Pub. L. 91-503, title II, § 202, Oct. 23, 1970, 84 Stat. 1103; Pub. L. 98-369, div. A, title X, § 1014(a)(6), July 18, 1984, 98 Stat. 1016; Pub. L. 102-587, title V, § 5604(b), Nov. 4, 1992, 106 Stat. 5088; Pub. L. 105-178, title VII, §§ 7402(c), 7404(b), June 9, 1998, 112 Stat. 484, 486; Pub. L. 105-206, title IX, § 9012(c), July 22, 1998, 112 Stat. 864; Pub. L. 109-59, title X, § 10114, Aug. 10, 2005, 119 Stat. 1928.)

#### REFERENCES IN TEXT

For effective date of this subsection, referred to in subsec. (c), see Effective Date of 1984 Amendment note below.

The Clean Vessel Act of 1992, referred to in subsec. (f), is subtitle F of title V of Pub. L. 102-587, Nov. 4, 1992, 106 Stat. 5086, which amended this section and section 777c of this title and enacted provisions set out as a note under section 1322 of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1322 of Title 33 and Tables.

#### AMENDMENTS

2005—Subsec. (b)(2). Pub. L. 109-59, § 10114(1), substituted “to supplement the 57 percent of the balance of each annual appropriation to be apportioned among the States under section 777c(c) of this title” for “in carrying out the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation”.

Subsec. (d)(3). Pub. L. 109-59, § 10114(2), substituted “subsection (a)(5) or subsection (b)” for “subsection (c) or (d)” in introductory provisions.

1998—Subsec. (b)(1). Pub. L. 105-178, § 7402(c)(1), which directed the substitution of “15 percent” for “12½ percentum” wherever appearing, was executed by making the substitution for “12½ per centum” to reflect the probable intent of Congress.

Subsec. (c). Pub. L. 105-178, § 7402(c)(3), inserted “and communications” after “outreach”.

Pub. L. 105-178, § 7402(c)(2), which directed the substitution of “15 percent” for “10 percentum”, was executed by making the substitution for “10 per centum” to reflect the probable intent of Congress.

Subsecs. (d) to (f). Pub. L. 105-178, § 7402(c)(4), added subsecs. (d) and (e) and redesignated former subsec. (d) as (f).

Subsec. (g). Pub. L. 105-178, § 7404(b), as amended by Pub. L. 105-206, § 9012(c), added subsec. (g).

1992—Subsec. (b)(1). Pub. L. 102-587, § 5604(b)(1), substituted “12½ per centum” for “10 per centum” after “allocate” and inserted at end “Notwithstanding this provision, States within a United States Fish and Wildlife Service Administrative Region may allocate more or less than 12½ per centum in a fiscal year, provided that the total regional allocation averages 12½ per centum over a 5 year period.”

Subsec. (b)(2). Pub. L. 102-587, § 5604(b)(2), substituted “four fiscal years” for “fiscal year” after first reference to “succeeding” and “period” for second reference to “succeeding fiscal year”.

Subsec. (c). Pub. L. 102-587, § 5604(b)(3), inserted “and outreach” after “education”.

Subsec. (d). Pub. L. 102-587, § 5604(b)(4), added subsec. (d).

1984—Pub. L. 98-369 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

1970—Pub. L. 91-503 struck out restriction that not more than 25 percent of the Federal funds be set aside for maintenance projects.

#### EFFECTIVE DATE OF 2005 AMENDMENTS

From Aug. 10, 2005, to end of fiscal year 2005, subsecs. (b)(2) and (d)(3) 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.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 effective Oct. 1, 1984, and applicable with respect to fiscal years beginning after Sept. 30, 1984, see section 1014(b) of Pub. L. 98-369, set out as a note under section 777 of this title.

### § 777g-1. Boating infrastructure

#### (a) Purpose

The purpose of this section is to provide funds to States for the development and maintenance of facilities for transient nontrailerable recreational vessels.

#### (b) Omitted

#### (c) Plan

Within 6 months after submitting a survey to the Secretary under section 777g(g) of this title, a State may develop and submit to the Secretary a plan for the construction, renovation, and maintenance of facilities for transient nontrailerable recreational vessels, and access to those facilities, to meet the needs of nontrailerable recreational vessels operating on navigable waters in the State.

#### (d) Grant program

##### (1) Matching grants

The Secretary of the Interior shall obligate amounts made available under section 777c(a)(4) of this title to make grants to any State to pay not more than 75 percent of the cost to a State of constructing, renovating, or maintaining facilities for transient nontrailerable recreational vessels.

##### (2) Priorities

In awarding grants under paragraph (1), the Secretary shall give priority to projects that—

(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) of this section;

(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.)

**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.

**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) of this section, 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 who directly administer this chapter on a full-time basis;

(2) 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;

(3) support costs directly associated with personnel costs authorized under paragraphs (1) and (2), 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;

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

(5) 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 full-time equivalent employee authorized under paragraphs (1) and (2) 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;

(6) 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;

(7) costs of audits under subsection (d) of this section;

(8) costs of necessary training of Federal and State full-time personnel who administer this chapter to improve administration of this chapter;

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

(A) administer this chapter on a full-time basis for purposes directly related to administration of State programs or projects; or

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

(10) costs of travel outside the United States (except travel to Canada), by personnel who administer this chapter on a full-time basis, for purposes that directly relate to adminis-