

## REFERENCES IN TEXT

This section, referred to in subsec. (b), was in the original “this Act”, which probably was intended as a reference to New England Fishery Resources Restoration Act of 1990, section 111 of Pub. L. 101-593, title I, Nov. 16, 1990, 104 Stat. 2960, which is classified generally to this section.

## CODIFICATION

Section was enacted as the New England Fishery Resources Restoration Act of 1990, and not as part of the Fish Restoration and Management Projects Act which comprises this chapter.

## ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. Committee on Merchant Marine and Fisheries of House of Representatives treated as referring to Committee on Resources of House of Representatives in case of provisions relating to fisheries, wildlife, international fishing agreements, marine affairs (including coastal zone management) except for measures relating to oil and other pollution of navigable waters, or oceanography by section 1(b)(3) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. 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.

**§ 777f. Payments by United States****(a) Payments and advances to States**

When the Secretary of the Interior shall find that any project approved by him has been completed or, if involving research relating to fish, is being conducted, in compliance with said plans and specifications, he shall cause to be paid to the proper authority of said State the amount set aside for said project. The Secretary of the Interior may, in his discretion, from time to time, make payments on said project as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States’ pro rata share of the project in conformity with said plans and specifications. If a State has elected to avail itself of the benefits of this chapter by preparing a comprehensive fish and wildlife plan as provided for under option (1) of subsection (a) of section 777e of this title, and this plan has been approved by the Secretary of the Interior, then the Secretary may, in his discretion, and under such rules and regulations, as he may prescribe, advance funds to the State for financing the United States’ pro rata share agreed upon between the State fish and game department and the Secretary.

**(b) Construction work; joint payments**

Any construction work and labor in each State shall be performed in accordance with its laws and under the direct supervision of the State fish and game department, subject to the inspection and approval of the Secretary of the Interior and in accordance with the rules and regulations made pursuant to this chapter. The Secretary of the Interior and the State fish and game department of each State may jointly determine at what times and in what amounts payments shall be made under this chapter.

Such payments shall be made against the said appropriation to such official or officials, or depository, as may be designated by the State fish and game department and authorized under the laws of the State to receive public funds of the State.

(Aug. 9, 1950, ch. 658, §7, 64 Stat. 433; Pub. L. 91-503, title II, §202, Oct. 23, 1970, 84 Stat. 1103.)

## AMENDMENTS

1970—Pub. L. 91-503 divided existing provisions into subsecs. (a) and (b) and authorized advance payments by the Secretary to the States for financing the United States’ pro rata share of the comprehensive fish and wildlife plan.

## 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.

**§ 777g. Maintenance of projects****(a) Duty of States; status of projects; title to property**

To maintain fish-restoration and management projects established under the provisions of this chapter shall be the duty of the States according to their respective laws. Beginning July 1, 1953, maintenance of projects heretofore completed under the provisions of this chapter may be considered as projects under this chapter. Title to any real or personal property acquired by any State, and to improvements placed on State-owned lands through the use of funds paid to the State under the provisions of this chapter, shall be vested in such State.

**(b) Funding requirements**

(1) Each State shall allocate 15 percent of the funds apportioned to it for each fiscal year under section 777c of this title for the payment of up to 75 per centum of the costs of the acquisition, development, renovation, or improvement of facilities (and auxiliary facilities necessary to insure the safe use of such facilities) that create, or add to, public access to the waters of the United States to improve the suitability of such waters for recreational boating purposes. Notwithstanding this provision, States within a United States Fish and Wildlife Service Administrative Region may allocate more or less than 15 percent in a fiscal year, provided that the total regional allocation averages 15 percent over a 5 year period.

(2) So much of the funds that are allocated by a State under paragraph (1) in any fiscal year that remained unexpended or unobligated at the close of such year are authorized to be made available for the purposes described in paragraph (1) during the succeeding four fiscal years, but any portion of such funds that remain unexpended or unobligated at the close of such period are authorized to be made available for expenditure by the Secretary of the Interior 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.

**(c) Aquatic resource education program; funding, etc.**

Each State may use not to exceed 15 percent of the funds apportioned to it under section 777c of

this title to pay up to 75 per centum of the costs of an aquatic resource education and outreach and communications program for the purpose of increasing public understanding of the Nation's water resources and associated aquatic life forms. The non-Federal share of such costs may not be derived from other Federal grant programs. The Secretary shall issue not later than the one hundred and twentieth day after the effective date of this subsection such regulations as he deems advisable regarding the criteria for such programs.

**(d) National Outreach and Communications Program**

**(1) Implementation**

Within 1 year after June 9, 1998, the Secretary of the Interior shall develop and implement, in cooperation and consultation with the Sport Fishing and Boating Partnership Council, a national plan for outreach and communications.

**(2) Content**

The plan shall provide—

(A) guidance, including guidance on the development of an administrative process and funding priorities, for outreach and communications programs; and

(B) for the establishment of a national program.

**(3) Secretary may match or fund programs**

Under the plan, the Secretary may obligate amounts available under subsection (a)(5) or subsection (b) of section 777c of this title—

(A) to make grants to any State or private entity to pay all or any portion of the cost of carrying out any outreach and communications program under the plan; or

(B) to fund contracts with States or private entities to carry out such a program.

**(4) Review**

The plan shall be reviewed periodically, but not less frequently than once every 3 years.

**(e) State outreach and communications program**

Within 12 months after the completion of the national plan under subsection (d)(1) of this section, a State shall develop a plan for an outreach and communications program and submit it to the Secretary. In developing the plan, a State shall—

(1) review the national plan developed under subsection (d) of this section;

(2) consult with anglers, boaters, the sport-fishing and boating industries, and the general public; and

(3) establish priorities for the State outreach and communications program proposed for implementation.

**(f) Pumpout stations and waste reception facilities**

Amounts apportioned to States under section 777c of this title may be used to pay not more than 75 percent of the costs of constructing, renovating, operating, or maintaining pumpout stations and waste reception facilities (as those terms are defined in the Clean Vessel Act of 1992).

**(g) Surveys**

**(1) National framework**

Within 6 months after June 9, 1998, the Secretary, in consultation with the States, shall adopt a national framework for a public boat access needs assessment which may be used by States to conduct surveys to determine the adequacy, number, location, and quality of facilities providing access to recreational waters for all sizes of recreational boats.

**(2) State surveys**

Within 18 months after June 9, 1998, each State that agrees to conduct a public boat access needs survey following the recommended national framework shall report its findings to the Secretary for use in the development of a comprehensive national assessment of recreational boat access needs and facilities.

**(3) Exception**

Paragraph (2) does not apply to a State if, within 18 months after June 9, 1998, the Secretary 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 per-

centum” 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”.