

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 594, §13103; Pub. L. 98-369, div. A, title X, §1011(d), July 18, 1984, 98 Stat. 1013; Pub. L. 101-595, title III, §312(c), Nov. 16, 1990, 104 Stat. 2987; renumbered §13104, Pub. L. 109-304, §16(b)(1), Oct. 6, 2006, 120 Stat. 1705.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
13103	46:1476

Section 13103 requires the Secretary to allocate the amounts available for recreational boating safety and facilities improvement programs according to a specific formula:

- (1) 1/3 shall be allocated equally to each eligible State;
- (2) 1/3 shall be allocated to those States maintaining an approved numbering system; and
- (3) 1/3 shall be allocated to the State in the proportion that the State obligated in the prior fiscal year to the total amount obligated by all of the States in the prior fiscal year.

PRIOR PROVISIONS

A prior section 13104 was renumbered section 13105 of this title.

AMENDMENTS

2006—Pub. L. 109-304 renumbered section 13103 of this title as this section.

1990—Subsec. (a)(3). Pub. L. 101-595 struck out “or obligated” after “expended” in two places.

1984—Subsec. (b). Pub. L. 98-369, §1011(d), redesignated subsec. (c) as (b), struck out “and facilities improvement” after “boating safety”, and struck out former subsec. (b) which related to allocation of amounts for State recreational boating facilities improvement programs by the Secretary.

Subsec. (c). Pub. L. 98-369, §1011(d)(1), redesignated subsec. (e) as (c). Former subsec. (c) redesignated (b).

Subsec. (d). Pub. L. 98-369, §1011(d)(1), struck out subsec. (d) which provided that an allocation or distribution of amounts under this section may not be made to a State to maintain boating facilities under that State’s approved recreational boating safety and facilities improvement program.

Subsec. (e). Pub. L. 98-369, §1011(d)(1), redesignated subsec. (e) as (c).

Subsec. (f). Pub. L. 98-369, §1011(d)(1), struck out subsec. (f) which provided that the Secretary could extend amounts necessary to carry out this chapter but that there was a limitation on the total amount allocable.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 effective Oct. 1, 1984, to apply with respect to fiscal years beginning after Sept. 30, 1984, see section 1013 of Pub. L. 98-369, set out as a note under section 13101 of this title.

PAYMENT OF ADMINISTRATIVE COSTS; RETENTION OF AMOUNT PRIOR TO ALLOCATIONS

Pub. L. 99-640, §7(d), Nov. 10, 1986, 100 Stat. 3548, which related to retention of amounts appropriated for State recreational boating safety programs prior to making allocations for a fiscal year, was repealed by Pub. L. 100-448, §6(b)(1)(B), Sept. 28, 1988, 102 Stat. 1840.

§ 13105. Availability of allocations

(a)(1) Amounts allocated to a State shall be available for obligation by that State for a period of 3 years after the date of allocation.

(2) Amounts allocated to a State that are not obligated at the end of the 3-year period referred to in paragraph (1) shall be withdrawn and allocated by the Secretary in addition to any other

amounts available for allocation in the fiscal year in which they are withdrawn or the following fiscal year.

(b) Amounts available to the Secretary for State recreational boating safety programs for a fiscal year that have not been allocated at the end of the fiscal year shall be allocated among States in the next fiscal year in addition to amounts otherwise available for allocation to States for that next fiscal year.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 595, §13104; Pub. L. 99-307, §1(18), May 19, 1986, 100 Stat. 446; Pub. L. 102-587, title V, §5101, Nov. 4, 1992, 106 Stat. 5070; Pub. L. 105-178, title VII, §7405(a), June 9, 1998, 112 Stat. 487; Pub. L. 109-59, title X, §10142, Aug. 10, 2005, 119 Stat. 1931; renumbered §13105, Pub. L. 109-304, §16(b)(1), Oct. 6, 2006, 120 Stat. 1705.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
13104	46:1477

Section 13104 allows a State to use any of the amounts received from the Secretary over a 3 year period. If the State does not spend the money within that period, the amounts revert to the Secretary, who will make the amounts available along with the amounts available for that year.

PRIOR PROVISIONS

A prior section 13105 was renumbered section 13106 of this title.

AMENDMENTS

2006—Pub. L. 109-304 renumbered section 13104 of this title as this section.

2005—Subsec. (a)(1). Pub. L. 109-59, §10142(1), substituted “3 years” for “2 years”.

Subsec. (a)(2). Pub. L. 109-59, §10142(2), substituted “3-year” for “2-year”.

1998—Subsec. (a)(1). Pub. L. 105-178, §7405(a)(1), substituted “2 years” for “3 years”.

Subsec. (a)(2). Pub. L. 105-178, §7405(a)(2), substituted “2-year” for “3-year”.

1992—Pub. L. 102-587 amended section generally. Prior to amendment, section read as follows:

“(a) Amounts allocated to a State shall be available for obligation by that State for a period of 3 years after the date of allocation. Amounts unobligated by the State at the end of the 3 years shall be withdrawn by the Secretary and shall be available with other amounts to be allocated by the Secretary during that fiscal year.

“(b) Amounts available to the Secretary for State recreational boating safety programs that have not been allocated at the end of a fiscal year shall be carried forward as part of the total allocation of amounts for the next fiscal year that may be expended under this chapter.”

1986—Subsec. (b). Pub. L. 99-307 inserted “for State recreational boating safety programs” after “Secretary”.

EFFECTIVE DATE OF 2005 AMENDMENTS

From Aug. 10, 2005, to end of fiscal year 2005, subsec. (a) 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 Title 16, Conservation.

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 Title 16, Conservation.

§ 13106. Computation decisions about State amounts expended

(a) Consistent with regulations prescribed by the Secretary, the computation by a State of amounts expended for the State recreational boating safety program shall include—

- (1) the acquisition, maintenance, and operating costs of land, facilities, equipment, and supplies;
(2) personnel salaries and reimbursable expenses;
(3) the costs of training personnel;
(4) public boat safety education;
(5) the costs of carrying out the program; and
(6) other expenses that the Secretary considers appropriate.

(b) The Secretary shall decide an issue arising out of the computation made under subsection (a) of this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 596, §13105; Pub. L. 98-369, div. A, title X, §1011(e), July 18, 1984, 98 Stat. 1013; Pub. L. 101-595, title III, §312(c), Nov. 16, 1990, 104 Stat. 2987; renumbered §13106, Pub. L. 109-304, §16(b)(1), Oct. 6, 2006, 120 Stat. 1705.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 13105, 46:1478

Section 13105 prescribes what amounts expended or obligated by a State will be counted toward the State's share. This section also authorizes the Secretary to settle any dispute over the computations required by this section.

PRIOR PROVISIONS

A prior section 13106 was renumbered section 13107 of this title.

AMENDMENTS

2006—Pub. L. 109-304 renumbered section 13105 of this title as this section.

1990—Subsec. (a). Pub. L. 101-595 struck out "or obligated" after "expended" in provisions preceding par. (1).

1984—Subsec. (a). Pub. L. 98-369 struck out "and facilities improvement" after "boating safety" in provisions preceding par. (1).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 effective Oct. 1, 1984, to apply with respect to fiscal years beginning after Sept. 30, 1984, see section 1013 of Pub. L. 98-369, set out as a note under section 13101 of this title.

§ 13107. Authorization of appropriations

(a) Subject to subsection (c), the Secretary shall expend in each fiscal year for State recreational boating safety programs, under contracts with States under this chapter, an amount equal to the amount transferred to the Secretary under subsections (a)(2) and (f) of section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(a)(2) and (f)). The amount shall be allocated as provided under section 13104 of this title and shall be available for State recreational boating safety programs as provided under the guidelines established under subsection (b) of this section. Amounts author-

ized to be expended for State recreational boating safety programs shall remain available until expended and are deemed to have been expended only if an amount equal to the total amounts authorized to be expended under this section for the fiscal year in question and all prior fiscal years have been obligated. Amounts previously obligated but released by payment of a final voucher or modification of a program acceptance shall be credited to the balance of unobligated amounts and are immediately available for expenditure.

(b) The Secretary shall establish guidelines prescribing the purposes for which amounts available under this chapter for State recreational boating safety programs may be used. Those purposes shall include—

- (1) providing facilities, equipment, and supplies for boating safety education and law enforcement, including purchase, operation, maintenance, and repair;
(2) training personnel in skills related to boating safety and to the enforcement of boating safety laws and regulations;
(3) providing public boating safety education, including educational programs and lectures, to the boating community and the public school system;
(4) acquiring, constructing, or repairing public access sites used primarily by recreational boaters;
(5) conducting boating safety inspections and marine casualty investigations;
(6) establishing and maintaining emergency or search and rescue facilities, and providing emergency or search and rescue assistance;
(7) establishing and maintaining waterway markers and other appropriate aids to navigation; and
(8) providing State recreational vessel numbering and titling programs.

(c)(1)(A) The Secretary may use amounts made available each fiscal year under section 4(b)(2) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)(2)) for payment of expenses of the Coast Guard for investigations, personnel, and activities directly related to—

- (i) administering State recreational boating safety programs under this chapter; or
(ii) coordinating or carrying out the national recreational boating safety program under this title.

(B) Of the amounts used by the Secretary each fiscal year under subparagraph (A)—

- (i) not less than \$2,100,000 is available to ensure compliance with chapter 43 of this title; and
(ii) not more than \$1,500,000 is available to conduct by grant or contract a survey of levels of recreational boating participation and related matters in the United States.

(2) No funds available to the Secretary under this subsection may be used to replace funding provided through general appropriations, nor for any purposes except those purposes authorized by this section.

(3) Amounts made available by this subsection shall remain available during the 2 succeeding fiscal years. Any amount that is unexpended or unobligated at the end of the 3-year period dur-