Pub. L. 108–202 substituted ''$2,916,667'' for ''$2,083,333'' and ''$1,166,667'' for ''$833,333''.

2003—Subsec. (c). Pub. L. 108–88 amended first sentence generally. Prior to amendment, first sentence read as follows: ''Of the amount transferred for each fiscal year to the Secretary of Transportation under paragraphs (2) and (3) of section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), $5,000,000 is available to the Secretary for payment of expenses of the Coast Guard for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program under this title, of which $2,000,000 shall be available to the Secretary only to ensure compliance with chapter 43 of this title.''

1998—Pub. L. 105–178, § 7405(c)(1), substituted ''appropriations'' for ''contract spending'' in section catchline.

Subsec. (a)(1). Pub. L. 105–178, § 7405(b)(1), substituted ''Subject to paragraph (2) and 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 sum of (A) the amount appropriated from the Boat Safety Account for that fiscal year and (B) the amount transferred to the Secretary under section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)).'' for ''Subject to paragraph (2), the Secretary may expend in each fiscal year, subject to amounts as are provided in appropriations laws for liquidation of contract authority, an amount equal to ½ of the amount transferred for such fiscal year to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)).''

Subsec. (a)(2). Pub. L. 105–178, § 7405(b)(2), substituted ''available'' for ''appropriated''.

Subsec. (c). Pub. L. 105–178, § 7405(b)(3), added subsec. (c) and struck out former subsec. (c) which read as follows: ''An amount equal to one-half of the amount transferred for each fiscal year to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)) is available to the Secretary for expenditures out of the operating expenses account of the Coast Guard for services provided by the Coast Guard for recreational boating safety, including services provided by the Coast Guard Auxiliary. Expenditures for a fiscal year under this subsection shall not exceed expenditures for the fiscal year under subsection (a). Amounts made available by this subsection shall remain available until expended.''

1988—Subsec. (a). Pub. L. 100–448, § 61(b)(1)(A), designated existing provisions as par. (1), added par. (2), and amended first sentence of par. (1) generally. Prior to amendment, first sentence read as follows: ''The Secretary may expend in each of the fiscal years 1985, 1986, 1987, and 1988, subject to amounts as are provided in appropriations laws for liquidation of contract authority, an amount equal to one-half for Fiscal Year 1987 and two-thirds for each Fiscal Year thereafter of the amount transferred for such fiscal year to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)).''

Subsec. (c). Pub. L. 100–448, § 6(b)(2)(A), struck out ''for Fiscal Year 1987 and one-third for each fiscal year thereafter.'' after ''An amount equal to one-half'' in first sentence.

Pub. L. 100–448, § 6(b)(6), substituted ''1986'' for ''1954'' in first sentence.

Pub. L. 100–448, § 6(b)(2)(B), inserted after first sentence ''Expenditures for a fiscal year under this subsection shall not exceed expenditures for the fiscal year under subsection (a).''

1986—Subsec. (a). Pub. L. 99–640, § 7(c), substituted ''one-half for Fiscal Year 1987 and two-thirds for each Fiscal Year thereafter'' for ''two-thirds''.

Subsec. (b). Pub. L. 99–626 substituted ''shall'' for ''may'' after ''Those purposes'' in introductory provisions and substituted ''and'' for ''or'' in par. (8).

Subsec. (c). Pub. L. 99–640, § 7(b), substituted ''one-half for Fiscal Year 1987 and one-third for each Fiscal Year thereafter.'' for ''one-third''.

1984—Pub. L. 98–369 amended section generally and, among other changes, struck out all references to a facilities improvement program, inserted provisions directing the Secretary to establish guidelines prescribing the purposes for which amounts available under this chapter for State recreational safety boating programs may be used, and made available to the Secretary an amount equal to one-third of the amount transferred for each fiscal year to the Boat Safety Account under section 9503(c)(4) of title 26 to be used for expenditures out of the operating expenses account of the Coast Guard for services provided by the Coast Guard for recreational boating safety, including services provided by the Coast Guard Auxiliary.

EFFECTIVE DATE OF 2005 AMENDMENTS

From Aug. 10, 2005, to end of fiscal year 2005, subsecs. (a) and (c)(1), (3) of this section considered to read as immediately before enactment of Pub. L. 109–59, except as provided by the amendments by section 203 of Pub. L. 109–74, 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.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–448 effective Oct. 1, 1988, see section 6(e) of Pub. L. 100–448, set out as a note under section 777 of Title 16, Conservation.

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.

BOATING SAFETY FUND

Pub. L. 99–272, title VI, § 6001, Apr. 7, 1986, 100 Stat. 121, as amended by Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095, provided that: ''An amount equal to one-third of the amount transferred for fiscal year 1985 to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)) shall be deposited in the general fund of the Treasury as proprietary receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities. Section 13106(a) of title 46, United States Code, shall be applied with respect to fiscal year 1985 by substituting 'one-third' for 'two-thirds' in the first sentence.''

§ 13108. Computing amounts allocated to States and State records requirements

(a) Amounts allocated and distributed under section 13104 of this title shall be computed and paid to the States as follows:

(1) During the second quarter of a fiscal year and on the basis of computations made under section 13106 of this title and submitted by the States for the preceding fiscal year, the Secretary shall determine the percentage of the amounts available to which each eligible State is entitled for the next fiscal year.

(2) Notice of the percentage and of the dollar amount, if it can be determined, for each State shall be provided to the States at the earliest practicable time.

(3) If the Secretary determines that an amount made available to a State for a prior fiscal year is greater or less than the amount that should have been made available to the State for the prior fiscal year, because of later or more accurate State expenditure information, the amount for the current fiscal year may be increased or decreased by the appropriate amount.

(b) The Secretary shall schedule the payment of amounts, consistent with the program purposes and applicable regulations prescribed by the Secretary of the Treasury, to minimize the time elapsing between the transfer of amounts from the Treasury and the subsequent disbursement of the amounts by a State.

(c) The Secretary shall notify a State authority or agency that further payments will be made to the State only when the program complies with the prescribed standards or a failure to comply substantially with standards is corrected if the Secretary, after reasonable notice to the designated State authority or agency, finds that—

(1) the State recreational boating safety program submitted by the State and accepted by the Secretary has been so changed that it no longer complies with this chapter or standards prescribed by regulations; or

(2) in carrying out the State recreational boating safety program, there has been a failure to comply substantially with the standards prescribed by regulations.

(d) The Secretary shall provide for the accounting, budgeting, and other fiscal procedures that are necessary and reasonable to carry out this section properly and efficiently. Records related to amounts allocated under this chapter shall be made available to the Secretary and the Comptroller General to conduct audits.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 596; Pub. L. 98–369, div. A, title X, § 1011(f), July 18, 1984, 98 Stat. 1013; Pub. L. 101–595, title III, § 312(d), Nov. 16, 1990, 104 Stat. 2987; Pub. L. 104–324, title VII, § 746(a)(3), (4), Oct. 19, 1996, 110 Stat. 3943; Pub. L. 109–304, § 16(c)(6), Oct. 6, 2006, 120 Stat. 1706.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
13108	46:1480

Section 13108 sets forth the manner that the Secretary shall compute the amounts to be allocated to the States, State record requirements, and authority for the General Accounting Office to review the records when conducting audits.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–304 substituted ''section 13104'' for ''section 13103'' in introductory provisions and ''section 13106'' for ''section 13105'' in par. (1).

1996—Subsec. (a)(1). Pub. L. 104–324 substituted ''preceding'' for ''proceeding'' and ''Secretary'' for ''Secertary''.

1990—Subsec. (a)(1). Pub. L. 101–595 amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''During the last quarter of a fiscal year and on the basis of computations made under section 13105 of this title and submitted by the States, the Secretary shall determine the percentage of the amounts available for the next fiscal year to which each eligible State is entitled.''

1984—Subsec. (c)(1), (2). Pub. L. 98–369 struck out ''and facilities improvement'' after ''boating safety''.

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.

§ 13109. Consultation, cooperation, and regulation

(a) In carrying out responsibilities under this chapter, the Secretary may consult with State and local governments, public and private agencies, organizations and committees, private industry, and other persons having an interest in boating safety.

(b) The Secretary may advise, assist, and cooperate with the States and other interested public and private agencies in planning, developing, and carrying out boating safety programs. Acting under section 141 of title 14, the Secretary shall ensure the fullest cooperation between the State and United States Government authorities in promoting boating safety by making agreements and other arrangements with States when possible. Subject to chapter 23 of title 14, the Secretary may make available, on request of a State, the services of members of the Coast Guard Auxiliary to assist the State in promoting boating safety on State waters.

(c) The Secretary may prescribe regulations to carry out this chapter.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 597; Pub. L. 98–369, div. A, title X, § 1011(g), July 18, 1984, 98 Stat. 1013.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
13109	46:1481

Section 13109 authorizes the Secretary to consult with State and local governments, public and private agencies, and any other persons that have an interest in boating safety.

This section also authorizes the Secretary to advise and assist the States and other public and private agencies in the planning and carrying out of their boating safety and facilities improvement programs.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98–369 struck out ''and facilities improvement'' after ''boating safety''.

Subsec. (b). Pub. L. 98–369 struck out ''and facilities improvement'' after ''and carrying out boating safety''.

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.

§ 13110. National Boating Safety Advisory Council

(a) The Secretary shall establish a National Boating Safety Advisory Council. The Council shall consist of 21 members appointed by the Secretary, whom the Secretary considers to have a particular expertise, knowledge, and experience in recreational boating safety.

(b)(1) The membership of the Council shall consist of—

(A) 7 representatives of State officials responsible for State boating safety programs;

(B) 7 representatives of recreational vessel manufacturers and associated equipment manufacturers; and

(C) 7 representatives of national recreational boating organizations and from the general public, at least 5 of whom shall be representa-