all waters of the United States by encouraging and assisting participation by the States, the boating industry, and the boating public in activities related to increasing boating safety; by authorizing the establishment of national construction and performance standards for boats and associated equipment; by creating more flexible authority governing the use of boats and equipment; and by facilitating the provision of services by the United States Coast Guard on behalf of boating safety. It is further declared to be the policy of Congress to encourage greater and continuing uniformity of boating laws and regulations among the States and the Federal Government, to encourage and assist the States in exercising their authorities in boating safety, to foster greater cooperation and assistance between the Federal Government and the States in administering and enforcing Federal and State laws and regulations pertaining to boating safety, and to equitably utilize taxes paid on fuel use in motor boats in a manner which enhances boating safety.''

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

§ 13103. Program acceptance

(a) The Secretary shall make a contract with, and allocate and distribute amounts from the Sport Fish Restoration and Boating Trust Fund established by section 9504 of the Internal Revenue Code of 1986 (26 U.S.C. 9504) to, a State that has an approved State recreational boating safety program, if the State demonstrates to the Secretary's satisfaction that—

(1) the program submitted by that State is consistent with this chapter and chapters 61 and 123 of this title;

(2) amounts distributed will be used to develop and carry out a State recreational boating safety program containing the minimum requirements of subsection (c) of this section;

(3) sufficient State matching amounts are available from general State revenue, undocumented vessel numbering and license fees, State marine fuels taxes, or from a fund constituted from the proceeds of those taxes and established to finance a State recreational boating safety program; and

(4) the program submitted by that State designates a State lead authority or agency that will carry out or coordinate carrying out the State recreational boating safety program supported by financial assistance of the United States Government in that State, including the requirement that the designated State authority or agency submit required reports that are necessary and reasonable to carry out properly and efficiently the program and that are in the form prescribed by the Secretary.

(b) Amounts of the Government (except amounts from sources referred to in subsection (a)(3) of this section) may not be used to provide a State's share of the costs of the program described under this section. State matching amounts committed to a program under this chapter may not be used to constitute the State's share of matching amounts required by another program of the Government.

(c) The Secretary shall approve a State recreational boating safety program, and the program is eligible to receive amounts authorized to be expended under section 13107 of this title, if the program includes—

(1) a vessel numbering system approved or carried out by the Secretary under chapter 123 of this title;

(2) a cooperative boating safety assistance program with the Coast Guard in that State;

(3) sufficient patrol and other activity to ensure adequate enforcement of applicable State boating safety laws and regulations;

(4) an adequate State boating safety education program, that includes the dissemination of information concerning the hazards of operating a vessel when under the influence of alcohol or drugs; and

(5) a system, approved by the Secretary, for reporting marine casualties required under section 6102 of this title.

(d) The Secretary's approval under this section is a contractual obligation of the Government for the payment of a proportionate share of the cost of carrying out the program.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 593, § 13102; Pub. L. 98–369, div. A, title X, § 1011(c), July 18, 1984, 98 Stat. 1013; Pub. L. 98–557, § 7(b)(3), Oct. 30, 1984, 98 Stat. 2862; Pub. L. 99–307, § 1(17), May 19, 1986, 100 Stat. 446; Pub. L. 99–626, § 4(a), (b), Nov. 7, 1986, 100 Stat. 3505; Pub. L. 100–448, § 6(b)(3)–(5), Sept. 28, 1988, 102 Stat. 1840; Pub. L. 101–595, title III, § 312(b), Nov. 16, 1990, 104 Stat. 2987; Pub. L. 109–59, title X, § 10141, Aug. 10, 2005, 119 Stat. 1931; renumbered § 13103 and amended Pub. L. 109–304, §§ 15(25), 16(b)(1), (c)(4), Oct. 6, 2006, 120 Stat. 1704–1706.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
13102	46:1475

Section 13102(a) authorizes the Secretary to contract with the States and allocate the amounts of them if they demonstrate to the satisfaction of the Secretary that they have a program consistent with this chapter and chapters 61 and 123, that the amounts received will be used to develop and carry out their recreational boating safety and facilities improvement programs, that they have sufficient matching amounts available from specified revenue sources to meet the objectives of the program, that they will submit required reports to the Secretary to ensure continued compliance with the objectives of this chapter.

Subsection (b) prohibits a State from using any other funds received from the Federal Government to meet their required State match.

Subsections (c) and (d) require the Secretary to approve a State's recreational boating safety and facilities improvement program if the program meets the specified requirements of this subsection.

Subsection (e) makes the approval of a State's program a contractual obligation of the Government to pay the Federal portion of the cost to carry out the program.

Subsection (f) allows a State to submit a combined boating safety and facility improvement program if it meets the requirements of all of the objectives of both programs.

PRIOR PROVISIONS

A prior section 13103 was renumbered section 13104 of this title.

AMENDMENTS

2006—Pub. L. 109–304, § 16(b)(1), renumbered section 13102 of this title as this section.

Subsec. (a). Pub. L. 109–304, § 15(25), inserted ''(26 U.S.C. 9504)'' after ''Internal Revenue Code of 1986''.

Subsec. (c). Pub. L. 109–304, § 16(c)(4), substituted ''section 13107'' for ''section 13106''.

2005—Subsec. (a). Pub. L. 109–59 substituted ''the Sport Fish Restoration and Boating Trust Fund'' for ''the Boat Safety Account'' in introductory provisions.

1990—Subsec. (a)(3). Pub. L. 101–595, § 312(b)(1), inserted ''State'' after ''general''.

Subsec. (c)(4). Pub. L. 101–595, § 312(b)(2), inserted ''or drugs'' after ''alcohol''.

Subsec. (d). Pub. L. 101–595, § 312(b)(3), substituted ''a proportionate share'' for ''the proportional share''.

1988—Subsec. (a). Pub. L. 100–448, § 6(b)(4), substituted ''1986'' for ''1954.'' in introductory provisions.

Subsec. (a)(4). Pub. L. 100–448, § 6(b)(5), amended par. (4) generally. Prior to amendment, par. (4) read as follows: ''the program submitted by that State designates a State lead authority or agency that will carry out or coordinate carrying out out the State recreational boating safety program supported by financial assistance of the United States Government in that State, including the requirement that the designated State authority or agency submit required reports that are necessary and reasonable to carry out properly and efficiently the program and that are in the form prescribed by the Secretary.''

Subsec. (b). Pub. L. 100–448, § 6(b)(3), substituted ''(except amounts from'' for ''from sources (except''.

1986—Subsec. (a). Pub. L. 99–626, § 4(a), substituted ''Boat Safety Account established by section 9504 of the Internal Revenue Code of 1954.'' for ''Fund established under section 13107 of this title'' in introductory provisions.

Subsec. (a)(4). Pub. L. 99–626, § 4(b), inserted ''out'' after ''carrying''.

Pub. L. 99–307 substituted ''carrying out the State'' for ''carrying the State''.

1984—Subsec. (a). Pub. L. 98–369, § 1011(c)(1), (2), in provisions preceding par. (1) substituted ''shall'' for ''may'' and struck out ''and facilities improvement'' after ''boating safety''.

Subsec. (a)(2). Pub. L. 98–369, § 1011(c)(1), (3), struck out '', (d), or (f)'' after ''requirements of subsection (c)'' and struck out ''and facilities improvement'' after ''boating safety''.

Subsec. (a)(3), (4). Pub. L. 98–369, § 1011(c)(1), struck out ''and facilities improvement'' after ''boating safety''.

Subsec. (c)(4). Pub. L. 98–557 inserted provisions relating to dissemination of information concerning the hazards of operating a vessel when under the influence of alcohol.

Subsecs. (d), (e). Pub. L. 98–369, § 1011(c)(4), redesignated subsec. (e) as (d). Former subsec. (d), which related to approval of a State recreational boating facilities improvement program by the Secretary, was struck out.

Subsec. (f). Pub. L. 98–369, § 1011(c)(4), struck out subsec. (f) which related to submission by a State to the Secretary of a combined program for the improvement of recreational boating safety and recreational boating facilities.

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.

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.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 13104. Allocations

(a) The Secretary shall allocate amounts available for allocation and distribution under this chapter for State recreational boating safety programs as follows:

(1) One-third shall be allocated equally each fiscal year among eligible States.

(2) One-third shall be allocated among eligible States that maintain a State vessel numbering system approved under chapter 123 of this title and a marine casualty reporting system approved under this chapter so that the amount allocated each fiscal year to each eligible State will be in the same ratio as the number of vessels numbered in that State bears to the number of vessels numbered in all eligible States.

(3) One-third shall be allocated so that the amount allocated each fiscal year to each eligible State will be in the same ratio as the amount of State amounts expended by the State for the State recreational boating safety program during the prior fiscal year bears to the total State amounts expended during that fiscal year by all eligible States for State recreational boating safety programs.

(b) The amount received by a State under this section in a fiscal year may be not more than one-half of the total cost incurred by that State in developing, carrying out, and financing that State's recreational boating safety program in that fiscal year.

(c) The Secretary may allocate not more than 5 percent of the amounts available for allocation and distribution in a fiscal year for national boating safety activities of national nonprofit public service organizations.

(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

Revised section	*Source section (U.S. Code)*
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) ⅓ shall be allocated equally to each eligible State: