

(2) ½ shall be allocated to those States maintaining an approved numbering system; and

(3) ½ 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amounts appropriated for State recreational boating safety programs prior to making allocations for a fiscal year, was repealed by Pub.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allocated to a State that are not obligated at the end of the 3-year period referred to in paragraph (1) shall be withdrawn and allocated by the Secretary in addition to any other amounts available for allocation in the fiscal year in which they are withdrawn or the following fiscal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.