

## Union Calendar No. 467

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4477

[Report No. 103-849]

To amend the Act commonly referred to as the “Dingell-Johnson Sport Fish Restoration Act” to provide funding for recreational boating safety programs, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

MAY 24, 1994

Mr. STUDDS (for himself, Mr. TAUZIN, Mr. FIELDS of Texas, Mr. COBLE, Mr. BATEMAN, and Mrs. FOWLER) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

OCTOBER 7, 1994

Additional sponsors: Mr. GEJDENSON, Mr. RAVENEL, Mr. HOCHBRUECKNER, Mr. KOPETSKI, Mr. BORSKI, Mr. DEFazio, Mr. CRAPO, Ms. FURSE, Mr. MANTON, Mr. JEFFERSON, Mr. HANSEN, Mr. WYDEN, Mr. CALLAHAN, Mr. BARLOW, Mr. HAYES, Mr. MAZZOLI, Mr. JACOBS, Mr. BLUTE, Mr. SMITH of Oregon, Mr. CLAY, Mr. DARDEN, Mrs. LLOYD, Mr. UNDERWOOD, Mr. MURPHY, Mr. CLEMENT, Mr. ROTH, Mr. HUTCHINSON, Mr. MORAN, Mr. BAKER of Louisiana, Mr. CHAPMAN, Mr. LINDER, Mr. WILSON, and Mr. CALVERT

OCTOBER 7, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 24, 1994]

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## A BILL

To amend the Act commonly referred to as the “Dingell-

Johnson Sport Fish Restoration Act” to provide funding for recreational boating safety programs, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        *This Act may be cited as the “Boating Improvement*  
 5 *Act of 1994”.*

6 **SEC. 2. BOATING SAFETY GRANTS.**

7        *(a) TRANSFER OF AMOUNTS FOR STATE BOATING*  
 8 *SAFETY PROGRAMS.—*

9            *(1) TRANSFERS.—Section 4(b) of the Act of Au-*  
 10 *gust 9, 1950 (16 U.S.C. 777c(b)), is amended to read*  
 11 *as follows:*

12        *“(b)(1) Of the balance of each annual appropriation*  
 13 *remaining after making the distribution under subsection*  
 14 *(a), an amount equal to \$15,000,000 for fiscal year 1995,*  
 15 *\$40,000,000 for fiscal year 1996, \$55,000,000 for fiscal year*  
 16 *1997, and \$69,000,000 for each of fiscal years 1998 and*  
 17 *1999, shall, subject to paragraph (2), be used as follows:*

18            *“(A) A sum equal to \$7,500,000 of the amount*  
 19 *available for fiscal year 1995, and a sum equal to*  
 20 *\$10,000,000 of the amount available for each of fiscal*  
 21 *years 1996 and 1997, shall be available for use by the*  
 22 *Secretary of the Interior for grants under section*  
 23 *5604(c) of the Clean Vessel Act of 1992. Any portion*

1        *of such a sum available for a fiscal year that is not*  
2        *obligated for those grants before the end of the follow-*  
3        *ing fiscal year shall be transferred to the Secretary of*  
4        *Transportation and shall be expended by the Sec-*  
5        *retary of Transportation for State recreational boat-*  
6        *ing safety programs under section 13106 of title 46,*  
7        *United States Code.*

8                *“(B) A sum equal to \$7,500,000 of the amount*  
9                *available for fiscal year 1995, \$30,000,000 of the*  
10                *amount available for fiscal year 1996, \$45,000,000 of*  
11                *the amount available for fiscal year 1997, and*  
12                *\$59,000,000 of the amount available for each of fiscal*  
13                *years 1998 and 1999, shall be transferred to the Sec-*  
14                *retary of Transportation and shall be expended by the*  
15                *Secretary of Transportation for State recreational*  
16                *boating safety programs under section 13106 of title*  
17                *46, United States Code.*

18                *“(C) A sum equal to \$10,000,000 of the amount*  
19                *available for each of fiscal years 1998 and 1999 shall*  
20                *be available for use by the Secretary of the Interior*  
21                *for—*

22                        *“(i) grants under section 3(e) of the Boating*  
23                        *Improvement Act of 1994; and*

24                        *“(ii) grants under section 5604(c) of the*  
25                        *Clean Vessel Act of 1992.*

1 *Any portion of such a sum available for a fiscal year that*  
2 *is not obligated for those grants before the end of the follow-*  
3 *ing fiscal year shall be transferred to the Secretary of*  
4 *Transportation and shall be expended by the Secretary of*  
5 *Transportation for State recreational boating safety pro-*  
6 *grams under section 13106 of title 46, United States Code.*

7 *“(2)(A) Beginning with fiscal year 1996, the amount*  
8 *transferred under paragraph (1)(B) for a fiscal year shall*  
9 *be reduced by the lesser of—*

10 *“(i) the amount appropriated to the Secretary of*  
11 *Transportation for that fiscal year to carry out the*  
12 *purposes of section 13106 of title 46, United States*  
13 *Code, from the Boat Safety Account in the Aquatic*  
14 *Resources Trust Fund established under section 9504*  
15 *of the Internal Revenue Code of 1986; or*

16 *“(ii) \$35,000,000; or*

17 *“(iii) for fiscal year 1996 only, \$30,000,000.*

18 *“(B) The amount of any reduction under subpara-*  
19 *graph (A) shall be apportioned among the several States*  
20 *under subsection (d) by the Secretary of the Interior.”.*

21 *(2) CONFORMING AMENDMENT.—Section*  
22 *5604(c)(1) of the Clean Vessel Act of 1992 (33 U.S.C.*  
23 *1322 note) is amended by striking “section 4(b)(2) of*  
24 *the Act of August 9, 1950 (16 U.S.C. 777c(b)(2), as*

1 *amended by this Act)” and inserting “section 4(b)(1)*  
2 *of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1))”.*

3 (3) *LIMITATION ON OTHER DISTRIBUTION.—Not-*  
4 *withstanding any other law, the amount distributed*  
5 *under section 4(a) of the Act of August 9, 1950 (16*  
6 *U.S.C. 777c(a)), in fiscal year 1996 may not exceed*  
7 *\$50,000,000.*

8 (b) *EXPENDITURE OF AMOUNTS FOR STATE REC-*  
9 *REATIONAL BOATING SAFETY PROGRAMS.—Section 13106*  
10 *of title 46, United States Code, is amended—*

11 (1) *in subsection (a)(1) by striking the first sen-*  
12 *tence and inserting the following: “Subject to para-*  
13 *graph (2), the Secretary shall expend under contracts*  
14 *with States under this chapter in each fiscal year for*  
15 *State recreational boating safety programs an*  
16 *amount equal to the sum of the amount appropriated*  
17 *from the Boat Safety Account for that fiscal year plus*  
18 *the amount transferred to the Secretary under section*  
19 *4(b)(1) of the Act of August 9, 1950 (16 U.S.C.*  
20 *777c(b)(1)) for that fiscal year.”; and*

21 (2) *by amending subsection (c) to read as fol-*  
22 *lows:*

23 “(c) *For expenditure under this chapter for State rec-*  
24 *reational boating safety programs there are authorized to*  
25 *be appropriated to the Secretary of Transportation from*

1 *the Boat Safety Account established under section*  
2 *9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C.*  
3 *9503(c)(4)) not more than \$35,000,000 each fiscal year.”.*

4 **SEC. 3. BOATING ACCESS.**

5 (a) *FINDINGS.—The Congress makes the following*  
6 *findings:*

7 (1) *Nontrailerable recreational motorboats con-*  
8 *tribute 15 percent of the gasoline taxes deposited in*  
9 *the Aquatic Resources Trust Fund while constituting*  
10 *less than 5 percent of the recreational vessels in the*  
11 *United States.*

12 (2) *The majority of recreational vessel access fa-*  
13 *cilities constructed with Aquatic Resources Trust*  
14 *Fund moneys benefit trailerable recreational vessels.*

15 (3) *More Aquatic Resources Trust Fund moneys*  
16 *should be spent on recreational vessel access facilities*  
17 *that benefit recreational vessels that are*  
18 *nontrailerable vessels.*

19 (b) *PURPOSE.—The purpose of this section is to pro-*  
20 *vide funds to States for the development of public facilities*  
21 *for transient nontrailerable vessels.*

22 (c) *SURVEY.—Within 18 months after the date of the*  
23 *enactment of this Act, any State may complete and submit*  
24 *to the Secretary of the Interior a survey which identifies—*

1           (1) *the number and location in the State of all*  
2           *public facilities for transient nontrailerable vessels;*  
3           *and*

4           (2) *the number and areas of operation in the*  
5           *State of all nontrailerable vessels that operate on nav-*  
6           *igable waters in the State.*

7           (d) *PLAN.—Within 6 months after submitting a survey*  
8           *to the Secretary of the Interior in accordance with sub-*  
9           *section (c), a State may develop and submit to the Secretary*  
10           *of the Interior a plan for the construction and renovation*  
11           *of public facilities for transient nontrailerable vessels to*  
12           *meet the needs of nontrailerable vessels operating on navi-*  
13           *gable waters in the State.*

14           (e) *GRANT PROGRAM.—*

15           (1) *MATCHING GRANTS.—The Secretary of the*  
16           *Interior may obligate not less than 1/2 of the amount*  
17           *made available for each of fiscal years 1998 and 1999*  
18           *under section 4(b)(1)(C) of the Act of August 9, 1950,*  
19           *as amended by section 2(a)(1) of this Act, to make*  
20           *grants to any State to pay not more than 75 percent*  
21           *of the cost of constructing or renovating public facili-*  
22           *ties for transient nontrailerable vessels.*

23           (2) *PRIORITIES.—*

24           (A) *IN GENERAL.—In awarding grants*  
25           *under this subsection, the Secretary of the Inte-*

1            *rior shall give priority to projects that consist of*  
2            *the construction or renovation of public facilities*  
3            *for transient nontrailerable vessels in accordance*  
4            *with a plan submitted by a State submitted*  
5            *under subsection (b).*

6            (B) *WITHIN STATE.*—*In awarding grants*  
7            *under this subsection for projects in a particular*  
8            *State, the Secretary of the Interior shall give pri-*  
9            *ority to projects that are likely to serve the great-*  
10           *est number of nontrailerable vessels.*

11 **SEC. 4. DEFINITIONS.**

12           *For the purpose of this Act the term—*

13           (1) *“Act of August 9, 1950” means the Act enti-*  
14           *tled “An Act to provide that the United States shall*  
15           *aid the States in fish restoration and management*  
16           *projects, and for other purposes”, approved August 9,*  
17           *1950 (16 U.S.C. 777a et seq.);*

18           (2) *“nontrailerable vessel” means a recreational*  
19           *vessel greater than 26 feet in length;*

20           (3) *“public facilities for transient nontrailerable*  
21           *vessels” means mooring buoys, day-docks, seasonal*  
22           *slips or similar structures located on navigable wa-*  
23           *ters, that are available to the general public and de-*  
24           *signed for temporary use by nontrailerable vessels;*

25           (4) *“recreational vessel” means a vessel—*

1                   (A) operated primarily for pleasure; or

2                   (B) leased, rented, or chartered to another

3                   for the latter's pleasure; and

4                   (5) "State" means each of the several States of

5                   the United States, the District of Columbia, the Com-

6                   monwealth of Puerto Rico, Guam, American Samoa,

7                   the United States Virgin Islands, and the Common-

8                   wealth of the Northern Mariana Islands.

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