tion system to an agency, a State, or a qualified person. The Secretary may also delegate the authority to charge fees under section 12505 for requesting information from or making information available to the vessel identification system.

§ 12507. Penalties

(a) A person shall be fined under title 18, imprisoned for not more than 2 years, or both, if the person with the intent to defraud—

(1) provides false information to the Secretary of Transportation or a State issuing authority regarding the identification of a vessel under this chapter; or

(2) tampers with, removes, or falsifies the unique vessel identification number assigned to a vessel under section 12502 of this title.

(b) A person is liable to the United States Government for a civil penalty of not more than $10,000 if the person—

(1) provides false information to the Secretary or a State issuing authority regarding the identification of a vessel under this chapter;

(2) violates section 12502 of this title; or

(3) fails to comply with requirements prescribed by the Secretary under section 12505 of this title.

(c) A vessel involved in a violation of this chapter, or regulation under this chapter, and its equipment, may be seized by, and forfeited to, the Government.

(d) If a person, not an individual, is involved in a violation of this chapter, the president or chief executive of the person also is subject to any penalty provided under this section.

(Added Pub. L. 100–710, title I, §101(a), Nov. 23, 1988, 102 Stat. 4737.)

HISTORICAL AND REVISION NOTES

Revised section 12507

This section establishes criminal and civil penalties for certain violations of chapter 125 of title 46 (as enacted by this Act).

PART I—STATE BOATING SAFETY PROGRAMS

CHAPTER 131—RECREATIONAL BOATING SAFETY

Sec.

13101. Definitions.
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HISTORICAL AND REVISION NOTES

This Chapter establishes the recreational boating safety and facility program administered by the Coast Guard. The general purpose is to encourage State participation in boating safety education and enforcement activities.

AMENDMENTS

2006—Pub. L. 109–304, §16(b)(3), Oct. 6, 2006, 120 Stat. 1705, added item 13101 and redesignated former items 13101 to 13106 as 13102 to 13107, respectively.

1998—Pub. L. 105–178, title VII, §7405(c)(2), June 9, 1998, 112 Stat. 488, substituted ''appropriations'' for ''contract spending'' in item 13106.

1984—Pub. L. 98–369, div. A, title X, §1016(c)(2), July 18, 1984, 98 Stat. 1020, struck out item 13107 ''National Recreational Boating Safety and Facilities Improvement Fund''.

§ 13101. Definitions

In this chapter:

(1) ELIGIBLE STATE.—The term ''eligible State'' means a State that has a State recreational boating safety program accepted by the Secretary.

(2) STATE RECREATIONAL BOATING SAFETY PROGRAM.—The term ''State recreational boating safety program'' means education, assistance, and enforcement activities conducted for maritime casualty prevention, reduction, and reporting for recreational boating.

(Pub. L. 109–304, §16(b)(2), Oct. 6, 2006, 120 Stat. 1705.)

HISTORICAL AND REVISION NOTES

Section 16 of the bill [H.R. 1442, which became Pub. L. 109–304] moves the definitions relating to the recreational boating safety program from section 2102(a)(1) and (3) to chapter 131 because the terms only appear in chapter 131.

Section 16 of the bill also eliminates the special definitions of ''State'' and ''United States'' in section 2102(a)(2) as including the Trust Territory of the Pacific Islands because the Trust Territory has been terminated. See the definitions of ''State'' and ''United States'' in section 2101, which are being moved to chapter 1 and being made applicable title-wide. Those definitions already include the Northern Mariana Islands, the only component of the former Trust Territory still under United States sovereignty.

PRIOR PROVISIONS

A prior section 13101 was renumbered section 13102 of this title.

§ 13102. State recreational boating safety programs

(a) To encourage greater State participation and uniformity in boating safety efforts, and particularly to permit the States to assume the greater share of boating safety education, assistance, and enforcement activities, the Secretary shall carry out a national recreational boating safety program. Under this program, the Secretary shall make contracts with, and allocate and distribute amounts to, eligible States to assist them in developing, carrying out, and financing State recreational boating safety programs.

(b) The Secretary shall establish guidelines and standards for the program. In doing so, the Secretary—

(1) shall consider, among other things, factors affecting recreational boating safety by contributing to overcrowding and congestion of waterways, such as the increasing number of recreational vessels operating on those waterways and their geographic distribution, the availability and geographic distribution of recreational boating facilities in and among applying States, and State marine casualty and fatality statistics for recreational vessels;

(2) shall consult with the Secretary of the Interior to minimize duplication with the pur-

poses and expenditures of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4—460*l*–11) the Federal Aid in Sport Fish Restoration Act of 1950 (16 U.S.C. 777–777k), and with the guidelines developed under those Acts; and

(3) shall maintain environmental standards consistent with the Coastal Zone Management Act of 1972 (16 U.S.C. 1451–1464) and other laws and policies of the United States intended to safeguard the ecological and esthetic quality of the waters and wetlands of the United States.

(c) A State whose recreational boating safety program has been approved by the Secretary is eligible for allocation and distribution of amounts under this chapter to assist that State in developing, carrying out, and financing its program. Matching amounts shall be allocated and distributed among eligible States by the Secretary as provided by section 13104 of this title.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 592, § 13101; Pub. L. 98–369, div. A, title X, § 1011(b), July 18, 1984, 98 Stat. 1013; Pub. L. 101–595, title III, § 312(a), Nov. 16, 1990, 104 Stat. 2987; renumbered § 13102 and amended Pub. L. 109–304, § 16(b)(1), (c)(3), Oct. 6, 2006, 120 Stat. 1705, 1706.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
13101	46:1474

Section 13101(a) authorizes the Secretary to make contracts with, and allocate amounts to eligible States to assist them in carrying out their recreational boating safety and facilities improvement programs.

Subsection (b) requires the Secretary to establish guidelines and standards for the program, and specifies specific conditions the Secretary must consider, requires consultation with the Secretary of the Interior, and to maintain environmental standards consistent with the Coastal Zone Management Act.

Subsection (c) makes the States who meet the standards prescribed by the Secretary eligible for the amounts authorized under this chapter.

REFERENCES IN TEXT

The Land and Water Conservation Fund Act of 1965, referred to in subsec. (b)(2), is Pub. L. 88–578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§ 460*l*–4 et seq.) of subchapter LXIX of chapter 1 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*–4 of Title 16 and Tables.

The Federal Aid in Sport Fish Restoration Act of 1950, referred to in subsec. (b)(2), is act Aug. 9, 1950, ch. 658, 64 Stat. 430, as amended, also known as the Dingell-Johnson Sport Fish Restoration Act, the Federal Aid in Fish Restoration Act, and the Fish Restoration and Management Projects Act, which is classified generally to chapter 10B (§ 777 et seq.) of Title 16. For complete classification of this Act to the Code, see Short Title note set out under section 777 of Title 16 and Tables.

The Coastal Zone Management Act of 1972, referred to in subsec. (b)(3), is title III of Pub. L. 89–454 as added by Pub. L. 92–583, Oct. 27, 1972, 86 Stat. 1280, as amended, which is classified generally to chapter 33 (§ 1451 et seq.) of Title 16. For complete classification of this Act to the Code, see Short Title note set out under section 1451 of Title 16 and Tables.

PRIOR PROVISIONS

A prior section 13102 was renumbered section 13103 of this title.

AMENDMENTS

2006—Pub. L. 109–304, § 16(b)(1), renumbered section 13101 of this title as this section.

Subsec. (c). Pub. L. 109–304, § 16(c)(3), substituted ''section 13104'' for ''section 13103''.

1990—Subsec. (b)(2). Pub. L. 101–595 substituted ''the Federal Aid in Sport Fish Restoration Act of 1950 (16 U.S.C. 777–777k), and with the guidelines developed under those Acts; and'' for ''and with the guidelines developed under that Act; and''.

1984—Subsec. (a). Pub. L. 98–369, § 1011(b), struck out ''and facility improvement'' after ''in boating safety'', struck out ''and facilities improvement'' in two places after ''recreational boating safety'', and substituted ''shall'' for ''may'' in second sentence.

Subsec. (c). Pub. L. 98–369, § 1011(b)(1)(B), struck out ''and facilities improvement'' after ''recreational boating safety''.

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98–369, div. A, title X, subtitle B, part I, subpart A (§§ 1010–1013), § 1013, July 18, 1984, 98 Stat. 1014, provided that: ''The amendments made by this subpart [amending this section and sections 2102, 13102, 13103, 13105, 13106, 13108, and 13109 of this title and enacting a provision set out as a note under this section] shall take effect on October 1, 1984, and shall apply with respect to fiscal years beginning after September 30, 1984.''

SURVEY OF FUEL USE BY RECREATIONAL VESSELS

Pub. L. 100–448, § 6(d), Sept. 28, 1988, 102 Stat. 1841, provided that:

''(1) IN GENERAL.—The Secretary of Transportation and the Secretary of the Interior shall jointly conduct a survey of—

''(A) the number, size, and primary uses of recreational vessels operating on the waters of the United States; and

''(B) the amount and types of fuel used by those vessels.

''(2) AUTHORIZATION OF CONTRACTS.—The Secretary of Transportation and the Secretary of the Interior may enter into contracts for the performance of a survey pursuant to this subsection.

''(3) REPORT.—The Secretary of the Interior and the Secretary of Transportation shall jointly submit a report to the Speaker of the House of Representatives and to the President pro tempore of the Senate which describes the results of the survey conducted pursuant to this section not later than November 15, 1992.

''(4) FUNDING.—Activities under this subsection may be carried out—

''(A) using amounts available to the Secretary of the Interior for administrative expenses under the Act entitled 'An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes' (64 Stat. 430; 16 U.S.C. 777 et seq.); and

''(B) subject to appropriations, using amounts available to the Secretary of Transportation under section 13106(a)(1) [now section 13107(a)(1)] of title 46, United States Code (as amended by this Act).''

CONGRESSIONAL DECLARATION OF POLICY FOR 1984 AMENDMENT

Pub. L. 98–369, div. A, title X, subtitle B, part I (§§ 1010–1017), § 1010, July 18, 1984, 98 Stat. 1012, provided that: ''It is declared to be the policy of Congress and the purpose of this part [enacting sections 4162 and 9504 of Title 26, Internal Revenue Code, amending this section, sections 2102, 13102, 13103, 13105, 13106, 13108, and 13109 of this title, sections 777, 777b to 777e, 777g, and 777k of Title 16, Conservation, and sections 4161 and 9503 of Title 26, repealing section 13107 of this title, and enacting provisions set out as notes under this section, section 777 of Title 16, and sections 4161, 4162, and 9504 of Title 26] to improve recreational boating safety and to foster greater development, use, and enjoyment of

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:

(2) ⅓ shall be allocated to those States maintaining an approved numbering system; and

(3) ⅓ 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

Revised section	*Source section (U.S. Code)*
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

Revised section	*Source section (U.S. Code)*
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)(1) 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 made available from the Boat Safety Account for that fiscal year under section 15 of the Dingell-Johnson Sport Fish Restoration Act and (B) 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 authorized 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.

(2) The Secretary shall use not more than two percent of the amount available each fiscal year for State recreational boating safety programs under this chapter to pay the costs of investigations, personnel, and activities related to administering those programs.

(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) Of the amount transferred to the Secretary under subsection (a)(2) of section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(a)(2)), $5,500,000 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 not less than $2,000,000 shall be available to the Secretary only to ensure compliance with chapter 43 of this title.

(2) No funds available to the Secretary under this subsection may be used to replace funding traditionally 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 during which it is available shall be withdrawn by the Secretary and allocated to the States in addition to any other amounts available for allocation in the fiscal year in which they are withdrawn or the following fiscal year.

(4) The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 596, § 13106; Pub. L. 98–369, div. A, title X, § 1012, July 18, 1984, 98 Stat. 1013; Pub. L. 99–626, § 4(c), Nov. 7, 1986, 100 Stat. 3505; Pub. L. 99–640, § 7(b), (c), Nov. 10, 1986, 100 Stat. 3548; Pub. L. 100–448, § 6(b)(1)(A), (2), (6), Sept. 28, 1988, 102 Stat. 1839, 1840; Pub. L. 105–178, title VII, § 7405(b), (c)(1), June 9, 1998, 112 Stat. 487, 488; Pub. L. 108–88, § 9(c), Sept. 30, 2003,

117 Stat. 1126; Pub. L. 108–202, § 7(c), Feb. 29, 2004, 118 Stat. 484; Pub. L. 108–224, § 6(c), Apr. 30, 2004, 118 Stat. 632; Pub. L. 108–263, § 6(c), June 30, 2004, 118 Stat. 704; Pub. L. 108–280, § 6(c), July 30, 2004, 118 Stat. 882; Pub. L. 108–310, § 9(c), Sept. 30, 2004, 118 Stat. 1159; Pub. L. 109–14, § 8(c), May 31, 2005, 119 Stat. 335; Pub. L. 109–20, § 8(c), July 1, 2005, 119 Stat. 357; Pub. L. 109–35, § 8(c), July 20, 2005, 119 Stat. 390; Pub. L. 109–37, § 8(c), July 22, 2005, 119 Stat. 405; Pub. L. 109–40, § 8(c), July 28, 2005, 119 Stat. 421; Pub. L. 109–59, title X, § 10143, Aug. 10, 2005, 119 Stat. 1931; Pub. L. 109–74, title I, § 102, title II, § 203, Sept. 29, 2005, 119 Stat. 2030, 2032; renumbered § 13107 and amended Pub. L. 109–304, § 16(b)(1), (c)(5), Oct. 6, 2006, 120 Stat. 1705, 1706.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
13106	46:1479

Section 13106 provides the Secretary with liquidating contract authority in an amount equal to the revenues received from the motor boat fuel tax. One third shall be used for State boating safety programs, and ⅔ shall be used for State facilities improvement programs. And as provided in Section 13102(f), the approval of a State's program makes it a contractual obligation of the United States Government to provide the amounts available.

REFERENCES IN TEXT

Section 15 of the Dingell-Johnson Sport Fish Restoration Act, referred to in subsec. (a)(1), is classified to section 777n of Title 16, Conservation.

PRIOR PROVISIONS

A prior section 13107, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 596, established the National Recreational Boating Safety and Facilities Improvement Fund, prior to repeal by Pub. L. 98–369, div. A, title X, § 1016(c)(1), July 18, 1984, 98 Stat. 1020. See section 9504 of Title 26, Internal Revenue Code.

AMENDMENTS

2006—Pub. L. 109–304, § 16(b)(1), renumbered section 13106 of this title as this section.

Subsec. (a)(1). Pub. L. 109–304, § 16(c)(5), substituted ''section 13104'' for ''section 13103''.

2005—Subsec. (a)(1). Pub. L. 109–59, § 10143(2), as amended by Pub. L. 109–74, § 102(2), substituted ''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))'' for ''section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b))''.

Pub. L. 109–59, § 10143(1), as amended by Pub. L. 109–74, § 102(1), substituted ''the amount made available from the Boat Safety Account for that fiscal year under section 15 of the Dingell-Johnson Sport Fish Restoration Act'' for ''the amount appropriated from the Boat Safety Account for that fiscal year''.

Subsec. (a)(2). Pub. L. 109–59, § 10143(3), struck out ''not less than one percent and'' before ''not more than two percent''.

Subsec. (c)(1). Pub. L. 109–74, § 203, substituted ''$5,000,000'' for ''$4,150,685'' and ''$2,000,000'' for ''$1,660,274''.

Pub. L. 109–59, § 10143(4)(D), as amended by Pub. L. 109–74, § 102(3)(B), amended par. (1) as amended by Pub. L. 109–74, § 203, by inserting ''not less than'' before ''$2,000,000''. See Effective Date of 2005 Amendments note below.

Pub. L. 109–59, § 10143(4)(C), as amended by Pub. L. 109–74, § 102(3)(B), amended par. (1) as amended by Pub. L. 109–74, § 203, by substituting ''$5,500,000'' for ''$5,000,000''. See Effective Date of 2005 Amendments note below.

Pub. L. 109–59, § 10143(4)(B), as amended by Pub. L. 109–74, § 102(3)(A), substituted ''(16 U.S.C. 777c(a)(2))'' for ''(16 U.S.C. 777c(b))''.

Pub. L. 109–59, § 10143(4)(A), substituted ''Secretary under subsection (a)(2) of section 4'' for ''Secretary of Transportation under paragraph (5)(C) of section 4(b)''.

Pub. L. 109–40 substituted ''$4,150,685'' for ''$4,100,000'' and ''$1,660,274'' for ''$1,643,836''.

Pub. L. 109–37 substituted ''$4,100,000'' for ''$4,050,000'' and ''$1,643,836'' for ''$1,620,003''.

Pub. L. 109–35 substituted ''$4,050,000'' for ''$4,000,000'' and ''$1,620,003'' for ''$1,600,000''.

Pub. L. 109–20 substituted ''$4,000,000'' for ''$3,750,003'' and ''$1,600,000'' for ''$1,500,003''.

Pub. L. 109–14 substituted ''$3,750,003'' for ''$3,333,336'' and ''$1,500,003'' for ''$1,333,336''.

Subsec. (c)(3). Pub. L. 109–59, § 10143(5), as amended by Pub. L. 109–74, § 102(4), substituted ''during the 2 succeeding fiscal years. Any amount that is unexpended or unobligated at the end of the 3-year period during which it is available shall be withdrawn by the Secretary and allocated to the States in addition to any other amounts available for allocation in the fiscal year in which they are withdrawn or the following fiscal year.'' for ''until expended.''

2004—Subsec. (c). Pub. L. 108–310 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: ''Of the amount transferred to the Secretary of Transportation under paragraph (4) of section 4(b) of the Dingell-Johnson Sport Fish Restoration Act (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. No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this section. Amounts made available by this subsection shall remain available until expended. The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection.''

Pub. L. 108–280 substituted ''$5,000,000'' for ''$4,166,668'' and ''$2,000,000'' for ''$1,666,668''.

Pub. L. 108–263 substituted ''$4,166,668'' for ''$3,750,001'' and ''$1,666,668'' for ''$1,500,001''.

Pub. L. 108–224 substituted ''$3,750,001'' for ''$2,916,667'' and ''$1,500,001'' for ''$1,166,667''.

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, required that one-third of the amount transferred for fiscal year 1985 to the Boat Safety Account under former section 9503(c)(4) of Title 26, be deposited in the general fund of the Treasury as proprietary receipts of the department in which the Coast Guard was operating and ascribed to Coast Guard activities and that former section 13106(a) of this title 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 representatives of national recreational boating organizations.

(2) Additional individuals from the sources referred to in paragraph (1) of this subsection may be appointed to panels of the Council to assist the Council in performing its duties.

(3) At least once a year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Council.

(c) In addition to the consultation required by section 4302 of this title, the Secretary shall consult with the Council on other major boating safety matters related to this chapter. The Council may make available to Congress information, advice, and recommendations that the Council is authorized to give to the Secretary.

(d) When serving away from home or regular place of business, the member may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5 for individuals employed intermittently in the Government service. A payment under this section does not make a member of the Council an officer or employee of the United States Government for any purpose.

(e) The Council shall terminate on September 30, 2020.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 598; Pub. L. 99–626, § 3(a)(1), (b)(1), (2), Nov. 7, 1986, 100 Stat.

3505; Pub. L. 100–448, § 20(a), Sept. 28, 1988, 102 Stat. 1846; Pub. L. 102–241, § 24, Dec. 19, 1991, 105 Stat. 2217; Pub. L. 104–324, title III, § 304(f), Oct. 19, 1996, 110 Stat. 3918; Pub. L. 107–295, title III, § 335, Nov. 25, 2002, 116 Stat. 2105; Pub. L. 108–293, title IV, § 418(f), Aug. 9, 2004, 118 Stat. 1049; Pub. L. 111–281, title VI, § 621(b), Oct. 15, 2010, 124 Stat. 2976.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
13110	46:1482

Section 13110 establishes the National Boating Safety Advisory Council, the membership of the council, and compensation for individuals serving on the council. This council is to be established consistent with the Federal Advisory Committee Act (P.L. 92–463; 5 U.S.C. App.).

AMENDMENTS

2010—Subsec. (d). Pub. L. 111–281, § 621(b)(1), struck out first sentence which read: ''When attending meetings of the Council, a member of the Council or a panel may be paid at a rate not more than the rate for GS–18.''

Subsec. (e). Pub. L. 111–281, § 621(b)(2), substituted ''September 30, 2020'' for ''September 30, 2010''.

2004—Subsec. (e). Pub. L. 108–293 substituted ''September 30, 2010'' for ''September 30, 2005''.

2002—Subsec. (e). Pub. L. 107–295 substituted ''September 30, 2005'' for ''September 30, 2000''.

1996—Subsec. (e). Pub. L. 104–324 substituted ''2000'' for ''1996''.

1991—Subsec. (e). Pub. L. 102–241 substituted ''1996'' for ''1991''.

1988—Subsec. (b)(1). Pub. L. 100–448 substituted ''representatives of'' for ''members from'' wherever appearing.

1986—Subsec. (a). Pub. L. 99–626, § 3(b)(1), struck out ''not more than'' before ''21 members'' and inserted ''recreational'' after ''experience in''.

Subsec. (b)(1). Pub. L. 99–626, § 3(b)(2), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''Insofar as practical and to ensure balanced representation, the Secretary shall appoint members equally from—

''(A) State officials responsible for State boating safety programs;

''(B) recreational vessel manufacturers; and

''(C) boating organizations and members of the general public.''

Subsec. (e). Pub. L. 99–626, § 3(a)(1), added subsec. (e).

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

IMPLEMENTATION OF 1988 AMENDMENT

Pub. L. 100–448, § 20(b), Sept. 28, 1988, 102 Stat. 1846, provided that: ''The Secretary of the department in which the Coast Guard is operating shall carry out the amendments made by subsection (a) [amending this section] as vacancies in the membership of the National Boating Safety Advisory Council occur.''

[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.]

IMPLEMENTATION OF 1986 AMENDMENT

Pub. L. 99–626, § 3(b)(3), Nov. 7, 1986, 100 Stat. 3505, provided that: ''The Secretary of Transportation shall carry out the amendments made by paragraph (2) [amending this section] as vacancies in the membership of the National Boating Safety Advisory Council occur.''

PART J—MEASUREMENT OF VESSELS

HISTORICAL AND REVISION NOTES

Part J contains provisions that apply to the measurement of a vessel to determine its tonnage. Tonnage is a measurement of a vessel's volume and is used for international, customs, and regulatory purposes. This part implements the 1969 International Convention on Tonnage Measurement of Ships and provides a framework for phasing in the international system as the method of measuring ships domestically, to establish uniformity in ship measurement. The availability of an alternate domestic regulatory system of measurement is continued so that the application of domestic laws will be preserved in order that vessels engaged in domestic commerce will not be adversely affected.

CHAPTER 141—GENERAL

Sec.

14101. Definitions.
[14102. Repealed.]
14103. Delegation of authority.
14104. Measurement to determine application of a law.

AMENDMENTS

1990—Pub. L. 101–595, title VI, § 603(12)(B), Nov. 16, 1990, 104 Stat. 2993, struck out item 14102 ''Regulations''.

§ 14101. Definitions

In this part—

(1) ''Convention'' means the International Convention on Tonnage Measurement of Ships, 1969.

(2) ''existing vessel'' means a vessel the keel of which was laid or that was at a similar stage of construction before July 18, 1982.

(3) ''Great Lakes'' means—

(A) the Great Lakes; and

(B) the St. Lawrence River west of—

(i) a rhumb line drawn from Cap des Rosiers to West Point, Anticosti Island; and

(ii) on the north side of Anticosti Island, the meridian of longitude 63 degrees west.

(4) ''vessel that engages on a foreign voyage'' means a vessel—

(A) that arrives at a place under the jurisdiction of the United States from a place in a foreign country;

(B) that makes a voyage between places outside the United States;

(C) that departs from a place under the jurisdiction of the United States for a place in a foreign country; or

(D) that makes a voyage between a place within a territory or possession of the United States and another place under the jurisdiction of the United States not within that territory or possession.