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RECREATIONAL BOATING SAFETY AND FACILITIES

GOVERNMENT

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON COAST GUARD AND NAVIGATION

OF THE

COMMITTEE ON MERCHANT MARINE AND FISHERIES HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

FIRST SESSION

ON

H.R. 4310

A BILL TO AMEND THE FEDERAL BOAT SAFETY ACT OF 1971
TO IMPROVE RECREATIONAL BOATING SAFETY AND FACILI-
TIES THROUGH THE DEVELOPMENT, ADMINISTRATION, AND
FINANCING OF A NATIONAL RECREATIONAL BOATING SAFETY
AND FACILITIES IMPROVEMENT PROGRAM, AND FOR OTHER
PURPOSES

JULY 17, 1979—WASHINGTON, D.C.
AUGUST 29, 1979—ROCHESTER, N.Y.

Serial No 96-14

Printed for the use of the
Committee on Merchant Marine and Fisheries



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1979

53-864 O

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44-38861-100
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CONTENTS

	Page
Hearing held—	
July 17, 1979.....	1
August 29, 1979, Rochester, N.Y.....	153
Text of H.R. 4310	5
Report from—	
Commerce Department	17
Interior Department	17
Treasury Department	18
Statement of—	
Barrett, Adele	147
Barrett, William, of Kidder, Peabody & Co	147
Biaggi, Hon. Mario, chairman, Subcommittee on Coast Guard and Navigation	1
Clark, Trevor.....	150
Delaney, William J., New York State Office of Parks and Recreation, State boating law administrator	30, 34
Finch, Commodore Eve, legislative liaison, Potomac River Yacht Clubs Association, Shady Side, Md	121
Fishman, Joanne, chairman, New York State Boating Advisory Council	155
Glynn, Thomas, State boating law administrator from the District of Columbia	34
Golomb, Barry, president, National Boating Federation, New York, N.Y. ...	121
Griesing, Dennis, Government affairs manager, National Association of Engine & Boat Manufacturers, New York, N.Y.....	144, 174
Isaac, Robert, representative of the LaSalle Committee	188
Kaufman, Matthew, president, Boating Industry Association, Chicago, Ill..	145
Koebel, William H., Marine Docks Division of Bero Construction Corp.....	171
Murphy, Hon. John M., chairman, Committee on Merchant Marine and Fisheries	3
Prenderville, John M., deputy commissioner for regional administration, New York State Office of Parks and Recreation, representing Gov. Hugh L. Carey and Commissioner Orin Lehman	30
Rafter, Roy W., superintendent, Maryland Natural Resources Police	34
Roener, Lillian	207
Schwartz, Richard, executive director, Boat Owners Association of the United States	121
Prepared statement.....	135
Scudder, Scott M., president, Genesee Marine Trades Association	177
Seager, Marshall, president, Seager Marine Corp	181
Shumway, Frank R., Jr., representing the U.S. Yacht Racing Union and the Great Lakes Cruising Club	158
Simon, Al, on behalf of the Chesapeake Bay Yacht Clubs Association	121, 131
Stewart, George W., Jr., president, National Association of State Boating Law Administration, Division of Fish and Wildlife, State of Delaware	34
Stone, Ron, immediate past president, National Boating Federation	121
Thompson, Rear Adm. Bernie E., Chief, Office of Boating Safety, U.S. Coast Guard	19
Vanderver, Timothy A., of Patton, Boggs & Blow, Washington, D.C	144
Voiland, Michael P., Jr., extension specialist in recreational development, New York State Sea Grant Extension Program	185
Woodams, Peter M., vice commodore, Rochester Yacht Club	168

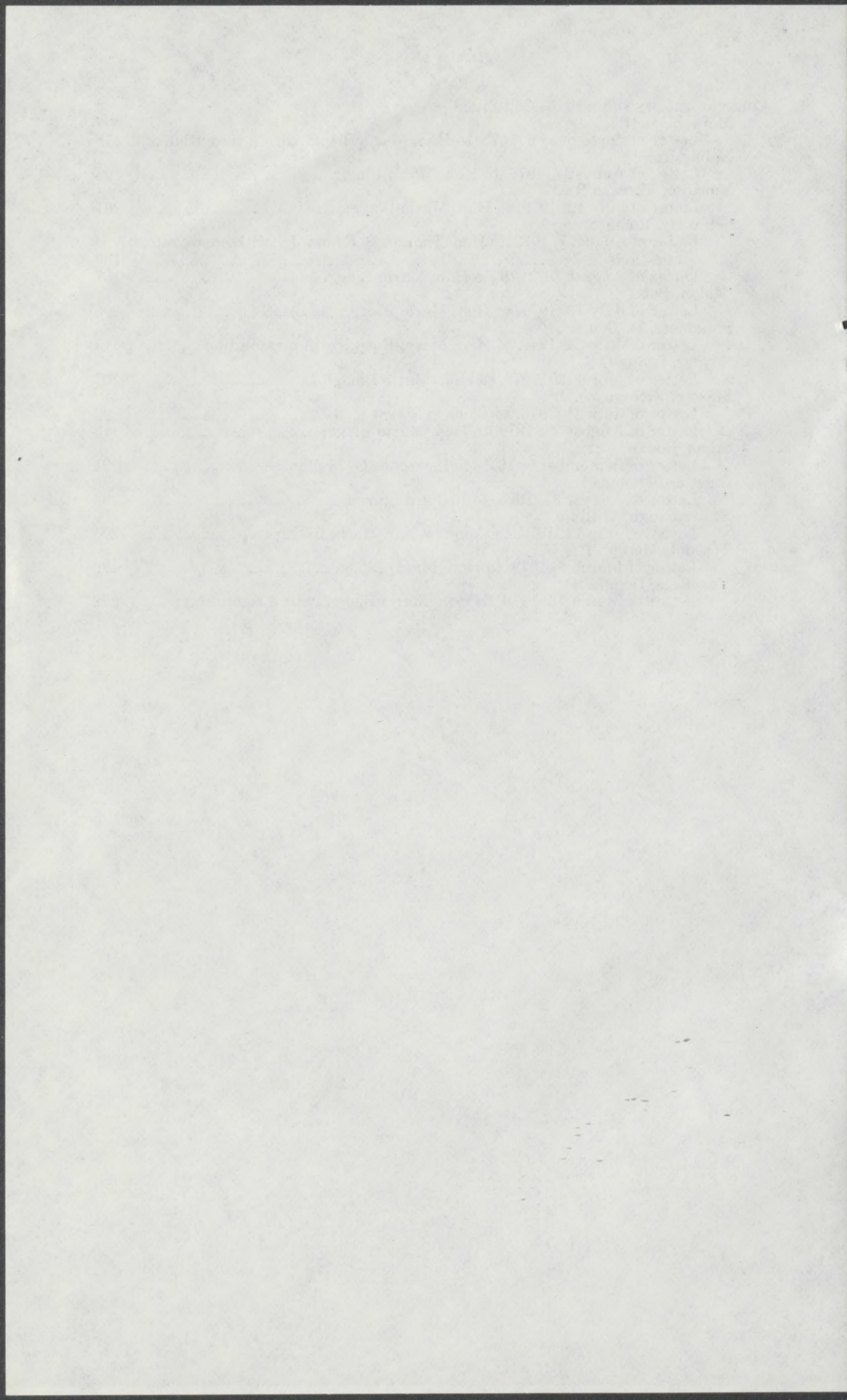
IV

Additional material supplied—

Byrd, Lloyd H.: Boating, fiscal year 1978.....	Page 96
Coast Guard: Administrative costs for boating facilities program	28
Eig, Larry: State laws on allocation of fuel taxes for boating facilities	88
Marine Police Operations Conference: Resolution in support of earmarking Federal motorboat fuel tax revenue for boating purposes	120
Stewart, George W., Jr.: Boat registration	42
Estimated funds available to States under H.R. 4310	87
Questions for the National Association of State Boating Law Adminis- trators and answers.....	114
Communications submitted—	
Biaggi, Mario: Letter of August 3, 1979, to Marty Mercado	89
Byrd, Lloyd H.: Letter of October 15, 1976, to Richard Starns with enclosure	94
Corrada, Hon. Baltasar: Letter of July 19, 1979, to Hon. Mario Biaggi.....	201
Crandall, Benny Bess: Letter of August 31, 1976, to Richard Starns.....	92
Delporte, Chris Therral: Letter of August 21, 1979, to Capt. E. A. Delaney	26
Evans, Thomas B., Jr.: Letter of August 14, 1979, to Barry Golomb	191
Letter of September 4, 1979, to Hon. Mario Biaggi	190
Fournier, J. M.: Letter of August 27, 1979, to Hon. Thomas B. Evans, Jr	195
Gibbs, Walter F.: Letter of December 30, 1978, to Hon. Thomas P. O'Neill, Jr	199
Golomb, Barry: Letter of August 22, 1979, to Hon. Thomas B. Evans, Jr	191
Grant, Bob: Letter of July 9, 1979, to Hon. John M. Murphy	205
Holleman, Joseph H., Jr.: Letter of March 28, 1979, to Hon. Thomas P. O'Neill, Jr., with a resolution	200
Holmes, Albert W.: Letter of March 21, 1979, to Hon. Mario Biaggi with a resolution	206
James, Fob: Letter of April 10, 1979, to Hon. Mario Biaggi	197
Jones, Wm. D.: Letter of July 12, 1979, to Hon. Mario Biaggi.....	200
Koch, Henry K.: Letter of July 10, 1979, to Hon. Mario Biaggi.....	204
Landrum, Ney C.: Letter of March 16, 1978, to George W. Stewart, Jr	201
Leslie, Robert R.: Letter of July 3, 1979, to Hon. Mario Biaggi.....	205
Loubriel, Wilson M.: Letter of July 10, 1979, to Hon. Baltasar Corrada	202
McGlynn, Thomas M.: Letter of March 22, 1979, to Hon. Mario Biaggi with a resolution	117
McLachlan, Hugh A.: Letter of June 30, 1979, to Hon. Mario Biaggi	203
Mercado, Marty: Letter of July 24, 1979, to Hon. Mario Biaggi with a resolution.....	119
Letter of September 13, 1979, to Hon. Paul N. McCloskey, Jr	196
Letter of response to Hon. Mario Biaggi with attachment	89
Milliken, William G.: Letter of August 6, 1979, to Hon. Mario Biaggi.....	197
Needham, Col. Dan A.: Letter of February 15, 1979, to Hon. Mario Biaggi	116
Letter of August 8, 1979, to Hon. Richard H. Ichord	199

Communications submitted—Continued

	Page
Morey, Dale P.:	
Letter of September 6, 1978, to Hon. Mario Biaggi with a resolution ...	118
Nelms, Tom:	
Letter of August 2, 1979, to Hon. Mario Biaggi.....	203
Schedler, Thomas R.:	
Letter of July 12, 1979, to Hon. Mario Biaggi.....	201
Schwartz, Richard:	
Letter of August 7, 1979, to Hon. Thomas B. Evans, Jr., with answers to questions	139
Letter of August 28, 1979, to Hon. Mario Biaggi.....	137
Seldon, Bob:	
Letter of July 13, 1979, to Hon. Mario Biaggi.....	205
Shoulders, H. Doug:	
Letter of July 24, 1979, to Hon. Mario Biaggi with a resolution.....	119
Snyder, Irving G.:	
Letter of March 29, 1979, to Hon. Mario Biaggi	207
Stewart, George W., Jr.:	
Letter of July 21, 1976, to Richard Starns.....	92
Letter of August 27, 1979, to Hon. Mario Biaggi.....	113
Stone, Ron:	
Letter of September 7, 1979, to Lawrence G. Mallon	91
Stratton, Thomas H.:	
Letter of August 31, 1976, to Richard Starns.....	93
Swartzbaugh, William:	
Letter of July 12, 1979, to Congressman Mario Biaggi	204
Teasdale, Joseph P.:	
Letter of March 9, 1979, to Hon. Mario Biaggi	198
Van Rees, Douglas P.:	
Letter of March 15, 1979, to Hon. Mario Biaggi with a resolution	202



BOATING SAFETY

TUESDAY, JULY 17, 1979

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COAST GUARD AND NAVIGATION,
COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C.

The subcommittee met, pursuant to notice, at 2:23 p.m., in room 1334, Longworth House Office Building, Hon. William J. Hughes presiding.

Present: Representatives Biaggi, de la Garza, Breaux, Hughes, Thomas Evans, and Melvin Evans.

Staff present: Ricardo A. Ratti, chief counsel, subcommittee; Larry Mallon, counsel; Cyndy Wilkinson, subcommittee clerk/research assistant; and John Bruce, minority staff.

Mr. HUGHES [presiding]. The meeting of the Subcommittee on Coast Guard and Navigation will come to order.

I want to apologize for the delay, but the chairman is presently committed to an important meeting in the Policy Steering Committee and he will be joining us shortly.

In order to save time, I am going to offer for the record the very comprehensive statement made by the chairman, Hon. Mario Biaggi.

[The following was received for the record:]

PREPARED STATEMENT OF HON. MARIO BIAGGI, CHAIRMAN, SUBCOMMITTEE ON COAST GUARD AND NAVIGATION

Good afternoon. The Subcommittee on Coast Guard and Navigation meets today to chart the future course of Federal policy in recreational boating. I have introduced the Recreational Boating Safety and Facilities Improvement Act of 1979 to project the next leg in that evolving policy which marks its datum with the Motorboat Act of 1940.

Following in the wake of thirty years of State involvement in recreational boating safety, enactment of that legislation heralded initial Federal efforts to improve boating safety through the promulgation of safety equipment standards for motorboats.

In 1958, Congress followed up with the Federal Boating Act—the first comprehensive legislation merging Federal and State efforts in boating safety. The focus of that legislation was the skill of the vessel operator—still the primary cause for more than half the boating accidents.

In 1971, in response to the rapid growth of the boating population and the number of recreational boats plying the Nation's waterways, Congress enacted the most sweeping piece of boating legislation to date—the Federal Boat Safety Act.

In superseding earlier law, Congress—for the first time—established national recreational boating policy objectives:

The reduction of boating accidents and fatalities, and

The fostering of greater use and enjoyment of the Nation's waterways.

The strategies employed in the pursuit of these goals included:

An expansion of Coast Guard authority to set construction and performance standards for new boats and associated equipment, and

The establishment of a grants-in-aid program to States to encourage them—To assume greater responsibility for boating safety programs—including assistance, education, and enforcement efforts, and

To undertake and expand State vessel numbering systems.

The primary objectives of that legislation have been achieved. A working partnership now exists whereby the States conduct much of the boating safety education and enforcement efforts nationwide—augmenting the Coast Guard, the Coast Guard Auxiliary, and the Reserve in responding to the additional search and rescue activity that is increasing in proportion to the rapidly expanding recreational boating population.

The Coast Guard establishes uniform construction and performance standards for new boats—and conducts a factory inspection program to insure compliance.

Some 51 of 55 eligible jurisdictions now have approved State vessel numbering systems—assuming the bulk of that responsibility under the Federal-State partnership umbrella.

As a result, the Administration—in properly seeking out categorical grants programs that have accomplished their purpose—singled out the relatively modest \$10 million State boating assistance program for termination. In a cooperative spirit of fiscal responsibility, this subcommittee concurred in the Administration's assessment of the accomplishments of the Federal Boat Safety Act—reflected in the termination of authorization authority for grants to States, effective at the close of fiscal year 1980.

However, in taking this action, the subcommittee left the door open for further consideration of the need for additional Federal assistance to state boating safety programs beyond fiscal year 1980.

Yet, the enunciated goals of Federal policy toward recreational boating endure. While the boating fatality rate has been significantly reduced through a combination of preventive and corrective Federal and State boating safety initiatives, the number of boating accidents continues to rise proportionately with the increase in the recreational boating population—at a compounded rate of 6 percent annually.

Plainly and simply, there aren't enough Coast Guard assets to meet the demands for recreational boating safety education, assistance, and enforcement nationally. Many other responsibilities that shift national priorities have been placed upon the service. Therefore, the States must play an even greater role and assume additional responsibility for recreational boating safety in the future.

The legislation under consideration today reflects a continuing evolution in Federal policy regarding recreational boating—by focusing, for the first time, upon the use of the medium itself—the Nation's waterways—as a contributing factor affecting boating safety. A similar systematic approach was adopted in the Ports and Waterways Safety Act of 1972—reflecting the increased commercial use of congested waterways.

This legislation, therefore, completes the cycle of boating safety by addressing the overcrowding and congestion of waterways caused by a critical and growing shortfall in the availability and distribution of safe, adequate boating facilities—especially in urban and coastal areas.

Where will the money come from to accomplish these twin purposes of promoting boating safety and enhancing recreational use of the Nation's waterways?

My approach is to make the boating public pay its own way without costing the nonboating taxpayer one penny. It follows the precedent set by the highway trust fund for motorists—and the airways trust fund for pilots.

The bill earmarks up to \$30 million of Federal marine fuels tax revenue, collected annually, to be diverted from the highway trust fund to a new recreational boating safety and facilities improvement fund. The bulk of this money was subject to rebating to the individual boater until last year. In addition, the fund is intended to be self-supporting, so as not to burden the Coast Guard with the cost of implementing this legislation.

Any remaining funds above \$30 million would go to the land and water conservation fund. That program won't suffer, since additional payments from increased Outer Continental Shelf oil and gas development are rising faster than recreational land acquisition costs.

This is the boater's money. I want to give the boater a fair return for his money after years of being shortchanged. I want to return this money to the States to continue existing State boating safety programs—and to build new boating facilities subject to a secure revenue source.

In my opinion, it is about time that the Federal Government accord the boater the same equitable treatment as the motorist and the pilot.

This is not a novel concept. The Library of Congress informs me that a least 27 States earmark a portion of their State marine fuels tax revenue for boating safety and facility programs. Through this legislation, I want to bring the additional States and jurisdictions on board in a permanent cooperative effort in support of recreational boating.

This measure applies the highly successful matching concept in the original Federal Boat Safety Act. Therefore, it will continue to leverage the use of Federal moneys along with equivalent State funds in the same manner that state boating law enforcement agencies augment Coast Guard boating safety patrol efforts.

The innovative feature of this measure is the provision for the expansion and development of a wide variety of new boating facilities in every State—including launching ramps, marinas, and dry-storage areas. In my home State of New York, for example, we have different needs in recreational boating facilities—corresponding to regional variations in recreational boating patterns from Lake Ontario through the Finger Lakes region, to Long Island Sound and the Atlantic Ocean.

Enactment of this legislation may not end but can shorten the annual odyssey (and the attendant fuel consumption) of boaters looking for summer berths. In New York City, which has the greatest natural harbor in the world, public access to recreational waters is at a premium. Under the program envisioned in this legislation, we could assist the redevelopment of the city's waterfront by providing marinas and other commercial and recreational property—similar to the pier 39 project in San Francisco and Marina Del Ray in Los Angeles.

The enactment of this legislation and the implementation of this national program is something to which all of us involved can point with pride. Every boating facility project constructed with moneys authorized and appropriated under this legislation will bear the familiar logo of the Department of Transportation and the United States Coast Guard. We could not possibly generate more goodwill between the Coast Guard and the recreational boating public if we approved the use of this money for institutional advertising in the Coast Guard's annual budget authorization.

On that note, I now recognize other subcommittee members present who may wish to make opening statements.

I now call upon our first witness.

Mr. HUGHES. I will also offer for the record the statement of the chairman of the whole Committee on Merchant Marine and Fisheries, Hon. John M. Murphy.

[The following was received for the record:]

STATEMENT OF HON. JOHN M. MURPHY, CHAIRMAN, COMMITTEE ON MERCHANT MARINE AND FISHERIES

H.R. 4310 is a bill that would establish a national recreational boating safety and facilities improvement program and would thus fill a crucial need for Federal support of the boating public of our Nation. The bill would do this by providing assistance to state boating programs through dedication of Federal motorboat fuel tax revenues. The statutory mechanism that the bill would create would assure State Governments a proper and continuing role in the management of recreational boating programs and in the improvement of facilities to serve the 55 million of our citizens that engage in recreational boating. The national program would be self-supporting: Would implement the principle of matching funds, thus multiplying the benefits obtained from a centrally administered national fund; and would provide for appropriate safeguards through the congressional authorization and appropriation processes. I fully support the bill and am pleased to be one of its co-sponsors.

In 1971, the Federal Boat Safety Act established the principle of Federal assistance for State boating safety programs. For 1972, and for each ensuing fiscal year through 1979, the Congress provided funds for this purpose, funds administered by the Coast Guard through its boating safety grant program. Last year, in enacting the Coast Guard authorization bill, we authorized appropriations of up to \$10 million to continue this program for fiscal year 1980. Yet, for reasons still obscure, the administration, in submitting its 1980 budget, failed to request funds for this purpose. The House Committee on Appropriations, in reporting out the Coast Guard appropriations bill for 1980, did not include funds for the boating safety grant program, chiefly because the administration did not ask for them. We can only hope that this development does not signal the decline of State boating safety programs, now nearing maturity and full effectiveness. The comparatively small Federal investments beginning in 1972 nourished the growth and health of established State

programs and sustained the progress of State agencies, some of which are only now hitting their stride.

The return on Federal investments in State boating safety programs accrues not only to the benefit of each State but to the Federal Government as well. Through close cooperation and mutual efforts, State authorities substantially augment Coast Guard activities in boating safety, search and rescue, and marine environmental protection. The efforts and dedication of State administrators and field personnel add immeasurably to the effectiveness of the national program. We would be irresponsible if we did not devise ways for this invaluable support to continue.

H.R. 4310 provides such a way by charting a new course toward lasting Federal-State cooperation and mutual assistance in the boating safety field. The bill would not legislate a grant program, which some in the administration find so onerous. Rather, the bill provides for the boating public to pay its own way through allocation of Federal marine fuels tax revenues to a national fund. Even the cost of administering the fund will not be borne by the nonboating public; it will be financed from the fund itself. This concept has been tested in both Federal and State programs of varying purpose and has been found to be sound. It is time now to apply it to the clearly identified needs in the field of boating safety. Conversations with State officials and representatives of the boating public, especially those from my own State of New York, have convinced me that the needs are great and that this bill can fill them.

I sincerely hope that the administration will join the bill's sponsors, State boating law administrators, and the boating public in supporting this bill. If administration support is limited or attenuated, I trust that a clear statement will be offered explaining any reservations and recommending improvements. The sponsors of H.R. 4310 are determined to find a rational, workable, and effective solution to the problems we face today in boating safety and facilities programs nationwide. We plan to move with speed and purpose toward enactment of legislation that will accomplish these aims.

Mr. HUGHES. Also without objection I would like to submit for the record the full text of 27 State statutes, earmarking State marine fuels tax revenue for boating safety and facilities improvement programs. The four additional States will supply copies of their relevant statutes for the record.

I will also submit for the record a copy of the bill and departmental reports and miscellaneous correspondence from members of the boating public and boat organizations.

The record will remain open until August 17 for the receipt of any additional and relevant record material.

[COMMITTEE NOTE.—Voluminous material and correspondence were placed in the hearing record files of the subcommittee. Some material is reproduced elsewhere in these hearings.]

[The bill and departmental reports follow:]

96TH CONGRESS
1ST SESSION

H. R. 4310

To amend the Federal Boat Safety Act of 1971 to improve recreational boating safety and facilities through the development, administration, and financing of a national recreational boating safety and facilities improvement program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 1979

Mr. BIAGGI (for himself, Mr. MURPHY of New York, Mr. PRITCHARD, Mr. OBERSTAR, Mr. MYERS of Pennsylvania, and Mr. HUGHES) introduced the following bill; which was referred jointly to the Committees on Merchant Marine and Fisheries and Ways and Means

A BILL

To amend the Federal Boat Safety Act of 1971 to improve recreational boating safety and facilities through the development, administration, and financing of a national recreational boating safety and facilities improvement program, 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 That this Act may be cited as the "Recreational Boating
- 4 Safety and Facilities Improvement Act of 1979".

1 SEC. 2. The Federal Boat Safety Act of 1971 (Public
2 Law 92-75, 85 Stat. 213), as amended, is amended as fol-
3 lows:

4 (1) In section 2 by striking the first sentence and insert-
5 ing in lieu thereof the following: "It is declared to be the
6 policy of Congress and the purpose of this Act to improve
7 recreational boating safety and facilities and to foster greater
8 development, use, and enjoyment of all the waters of the
9 United States by encouraging and assisting participation by
10 the several States, the boating industry, and the boating
11 public in the development, administration, and financing of a
12 national recreational boating safety and facilities improve-
13 ment program; by authorizing the establishment of national
14 construction and performance standards for boats and associ-
15 ated equipment; and by creating more flexible authority gov-
16 erning the use of boats and equipment."

17 (2) In section 3—

18 (a) by striking clauses (10) and (11) and inserting
19 in lieu thereof the following:

20 "(10) 'United States' and 'State' include the several
21 States of the United States, the District of Columbia, the
22 Commonwealth of Puerto Rico, Guam, American Samoa, the
23 United States Virgin Islands, the Commonwealth of the
24 Northern Marianas, the Trust Territory of the Pacific Is-

1 lands, and any other territory or possession over which the
2 United States has jurisdiction.

3 “(11) ‘Eligible State’ means a State that has a State
4 recreational boating safety and facilities improvement pro-
5 gram that has been accepted by the Secretary.”; and

6 (b) by adding the following new clauses:

7 “(12) ‘Recreational boating safety program’ means edu-
8 cation, assistance, and enforcement activities conducted for
9 the purpose of boating accident or casualty prevention, re-
10 duction, and reporting.

11 “(13) ‘Recreational boating facilities’ means public facil-
12 ities that create, or add to, public access to the waters of the
13 United States to improve their suitability for recreational
14 boating purposes, including such ancillary facilities as are
15 necessary to insure the safe use of those facilities.

16 “(14) ‘Fund’ means the National Recreational Boating
17 Safety and Facilities Improvement Fund established by sec-
18 tion 27 of this Act.”.

19 (3) Section 25 is amended to read as follows:

20 “NATIONAL RECREATIONAL BOATING SAFETY AND
21 FACILITIES IMPROVEMENT PROGRAM

22 “SEC. 25. In order to encourage greater State partici-
23 pation and uniformity in boating safety and facility improve-
24 ment efforts, and particularly to permit the States to assume
25 the greater share of boating safety education, assistance, and

1 enforcement activities, the Secretary shall implement and ad-
2 minister a national recreational boating safety and facilities
3 improvement program. Under this program, the Secretary
4 may allocate and distribute funds to eligible States to assist
5 them in the development, administration, and financing of
6 State recreational boating safety and facilities improvement
7 programs. The Secretary shall establish guidelines and stand-
8 ards for this program. In doing so, he shall consider, among
9 other things, factors which affect recreational boating safety
10 by contributing to overcrowding and congestion of water-
11 ways, such as the increasing number of recreational boats
12 using those waterways and their geographic distribution, and
13 the availability and geographic distribution of recreational
14 boating facilities within and among applying States, as well
15 as State recreational boating casualty and fatality statistics.
16 A State whose recreational boating safety and facilities im-
17 provement program has been accepted by the Secretary shall
18 be eligible for either full or partial allocation and distribution
19 of funds under this Act to assist that State in the develop-
20 ment, administration, and financing of its State program.
21 Matching funds shall be allocated and distributed among eli-
22 gible States by the Secretary in accordance with section 26
23 of this Act.”.

24 (4) Section 26 is amended to read as follows:

1 "PROGRAM ACCEPTANCE AND ALLOCATION OF FUNDS

2 "SEC. 26. (a) The Secretary, in accordance with this
3 section and such regulations as he may promulgate, may allo-
4 cate and distribute funds from the fund to any State that has
5 an accepted State recreational boating safety and facilities
6 improvement program, if the State demonstrates to his satis-
7 faction that—

8 "(1) the program submitted by that State is con-
9 sistent with the purposes of this Act;

10 "(2) funds distributed will be used to develop and
11 administer a State recreational boating safety and facil-
12 ities improvement program containing the minimum re-
13 quirements set forth in subsection (b) of this section;
14 and

15 "(3) sufficient State matching funds are available
16 from either general revenue, boat registration and li-
17 cense fees, State marine fuels taxes, or from a fund
18 constituted from the proceeds of such a tax and estab-
19 lished for the purpose of financing a State recreational
20 boating safety and facilities improvement program.

21 "(b) The Secretary shall accept a State recreational
22 boating safety and facilities improvement program that in-
23 cludes—

24 "(1) a vessel numbering system, either approved
25 or administered by the Secretary under this Act. An

1 approved State vessel numbering system is necessary
2 for full eligibility for Federal funds allocated and dis-
3 tributed under this section;

4 “(2) a cooperative boating safety assistance pro-
5 gram with the Coast Guard in that State;

6 “(3) sufficient patrol and other activity to insure
7 adequate enforcement of applicable State boating safety
8 laws and regulations;

9 “(4) an adequate State boating safety education
10 program;

11 “(5) the designation of a State lead authority or
12 agency, which would implement or coordinate the im-
13 plementation of the State recreational boating safety
14 and facilities improvement program supported by Fed-
15 eral financial assistance in that State, including the re-
16 quirement that the designated State authority or
17 agency submit required reports in the form prescribed
18 by the Secretary; and

19 “(6) a facilities improvement program describing
20 boating facility projects, including but not limited to:
21 acquisition of title, or any interest in riparian or sub-
22 merged land; and capital improvement of riparian or
23 submerged land for the purpose of increasing public
24 access to the waters of the United States, and such an-

1 cillary facilities as are necessary to insure the safe use
2 of those facilities.

3 (c) Allocation and distribution of funds under this section
4 is subject to the following conditions:

5 “(1) Of the total funds available for allocation and
6 distribution, one-third shall be allocated each year for
7 recreational boating safety programs and two-thirds
8 shall be allocated for recreational boating facilities im-
9 provement programs.

10 “(2) Of the funds available for allocation and dis-
11 tribution for recreational boating safety programs, one-
12 third shall be allocated equally among eligible States.
13 One-third shall be allocated so that the amount each
14 year to each eligible State will be in the same ratio as
15 the number of vessels numbered in that State, under a
16 numbering system approved under this Act, bears to
17 the number of vessels numbered in all eligible States.
18 The remaining one-third shall be allocated so that the
19 amount each year to each eligible State shall be in the
20 same ratio as the State funds expended or obligated for
21 the State boating safety program during the previous
22 fiscal year by a State bears to the total State funds ex-
23 pended or obligated for that fiscal year by all eligible
24 States.

1 “(3) Of the funds available for allocation and dis-
2 tribution for recreational boating facilities improvement
3 programs, one-third shall be allocated each year, equal-
4 ly among eligible States. The remaining two-thirds
5 shall be allocated so that the amount each year to each
6 eligible State will be in the same ratio as the number
7 of vessels numbered in that State bears to the number
8 of vessels numbered in all eligible States.

9 “(4) The amount received by any State under this
10 section in any fiscal year may not exceed one-half of
11 the total cost incurred by that State in the develop-
12 ment, administration, and financing of that State’s rec-
13 reational boating safety and facilities improvement pro-
14 gram in that fiscal year.

15 “(5) No allocation or distribution of funds under
16 this section may be made to any State for the mainte-
17 nance of boating facilities under an approved State rec-
18 reational boating safety and facilities improvement pro-
19 gram.

20 “(6) The Secretary is authorized to expend from
21 the funds available for allocation or distribution in any
22 fiscal year those sums, not to exceed two percent of
23 the funds available, as are necessary for the adminis-
24 tration of this Act.”.

25 (5) Section 27 is amended to read as follows:

1 "ESTABLISHMENT OF NATIONAL RECREATIONAL BOATING
2 SAFETY AND FACILITIES IMPROVEMENT FUND

3 "SEC. 27. There is in the Treasury of the United States
4 a fund known as the National Recreational Boating Safety
5 and Facilities Improvement Fund, consisting of such amounts
6 as may be credited to it as provided in this section. There
7 shall be covered into the fund the amounts specified in sec-
8 tion 209(f)(5) of the Highway Revenue Act of 1956 (70 Stat.
9 397), as amended. Amounts in the fund shall be available, as
10 provided in appropriation Acts, for making expenditures after
11 September 30, 1980, and before October 1, 1984, for the
12 purposes of section 26 of this Act."

13 (6) In section 28 by striking subsections (a) and (d)
14 and redesignating subsections (b) and (c) as (a) and (b),
15 respectively.

16 (7) In section 29 by adding, following the words "boat-
17 ing safety", the words "and facilities improvement" and fol-
18 lowing the words "costs of" the first time they appear, the
19 word "land,".

20 (8) Section 30 is amended to read as follows:

21 "AUTHORIZATION OF APPROPRIATIONS FOR STATE REC-
22 REATIONAL BOATING SAFETY AND FACILITIES IM-
23 PROVEMENT PROGRAMS

24 "SEC. 30. For the purpose of providing financial assist-
25 ance for State recreational boating safety and facilities im-

1 provement programs, there is authorized to be appropriated
2 \$30,000,000 for each of the fiscal years beginning with fiscal
3 year 1981 through fiscal year 1984, those appropriations to
4 remain available until expended.”.

5 (9) Section 31 is amended—

6 (a) in subsection (a) to read as follows:

7 “(a) Amounts allocated and distributed under sec-
8 tion 26 of this Act shall be computed and paid to the
9 States as follows: The Secretary shall determine,
10 during the last quarter of a fiscal year, on the basis of
11 computations made pursuant to section 29 of this Act
12 and submitted by the States, the percentage of the
13 funds available for the next fiscal year to which each
14 eligible State shall be entitled. Notice of the percent-
15 age and of the dollar amount, if it can be determined,
16 for each State shall be furnished to the States at the
17 earliest practicable time. If the Secretary finds that an
18 amount made available to a State for a prior year is
19 greater or less than the amount which should have
20 been made available to that State for the prior year,
21 because of later or more accurate State expenditure in-
22 formation, the amount for the current fiscal year may
23 be increased or decreased by the appropriate amount.”;
24 and

1 (b) in subsection (c) by adding, following the word
2 "safety" wherever it appears, the words "and facilities
3 improvement".

4 (10) Section 32 is amended—

5 (a) by striking in subsection (a) the words "boat-
6 ing and boating safety" and inserting in lieu thereof
7 the words "boating safety and facilities improvement.";
8 and

9 (b) by adding in the first sentence of subsection (b)
10 following the word "safety" the words "and facilities
11 improvement".

12 SEC. 3. Section 209(f)(5) of the Highway Revenue Act
13 of 1956 (70 Stat. 397), as amended, is amended to read as
14 follows:

15 "(5) TRANSFERS FROM THE TRUST FUND FOR
16 SPECIAL MOTOR FUELS AND GASOLINE USED IN MO-
17 TORBOATS.—The Secretary of the Treasury shall pay
18 from time to time from the trust fund into the recre-
19 ational boating safety and facilities improvement fund
20 provided for in section 27 of the Federal Boat Safety
21 Act of 1971 (85 Stat. 213), as amended, amounts as
22 are determined by him equivalent to the taxes re-
23 ceived, on or after September 30, 1980, under section
24 4041(b) of the Internal Revenue Code of 1954, as
25 amended, with respect to special motor fuels used as

1 fuel for the propulsion of motorboats and under section
2 4081 of that Code with respect to gasoline used as fuel
3 in motorboats. No amounts may be transferred under
4 this section if the transfer would result in increasing
5 the amount in the recreational boating safety and facil-
6 ities improvement fund to a sum in excess of
7 \$30,000,000. The Secretary shall transfer any remain-
8 ing amounts received into the trust fund from the
9 above sources and not transferred in accordance with
10 the foregoing provision, as determined by him in con-
11 sultation with the Secretary of Commerce, into the
12 land and water conservation fund provided for in title I
13 of the Land and Water Conservation Fund Act of
14 1965.”.

GENERAL COUNSEL,
U.S. DEPARTMENT OF COMMERCE,
Washington, D.C., November 2, 1979.

HON. JOHN M. MURPHY,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We have been asked to express the views of the Department of Commerce on H.R. 4310, a bill: "To amend the Federal Boat Safety Act of 1971 to improve recreational boating safety and facilities through the development, administration, and financing of a national recreational boating safety and facilities improvement program, and for other purposes."

The bill would amend and expand the Federal Boat Safety Act to allow the Secretary in the department in which the Coast Guard is operating to administer and implement a national recreational boating safety and facilities improvement program. The Secretary may allocate and distribute funds to states initiating comprehensive recreational boating safety programs in financial and operational partnership with the Coast Guard.

Under the provisions of this bill, \$30 million is provided annually on a matching basis with the states in proportion to the nationwide distribution of numbered vessels. A third of the funds available from the fund established in this bill will be allocated and distributed to states for conducting boating safety programs, while the remaining two-thirds of the funds will be devoted to boating facilities improvement.

Also, the bill would allow the return of Federal marine fuels tax revenue to the states on a matching basis to be utilized by states for recreational boating safety and facilities improvement programs.

The Department of Commerce defers to the views of the Department of Transportation as the agency responsible for the administration of this program.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our report to the Congress from the standpoint of the Administration's program.

Sincerely,

C. L. HASLAM.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 28, 1979.

HON. JOHN M. MURPHY,
Chairman, Committee on Merchant Marine and Fisheries,
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for our views on H.R. 4310, a bill "To amend the Federal Boat Safety Act of 1971 to improve recreational boating safety and facilities through the development, administration, and financing of a national recreational boating safety and facilities improvement program, and for other purposes."

We recommend against the enactment of this legislation.

H.R. 4310 would amend the Federal Boat Safety Act of 1971 to extend the Coast Guard's boat safety grants-in-aid program and to create a new national recreational boating facilities improvement program. For these programs the bill authorizes the appropriation of \$30 million for each of fiscal years 1981 through 1984, and specifies that one-third of that amount is to be allocated each year for the safety program and two-thirds for the facilities improvement program. Such appropriations would be made from a new fund in the Treasury known as the "National Recreational Boating Safety and Facilities Improvement Fund" in which would be deposited motor boat fuel tax revenues. Motor boat fuel tax revenues are presently deposited in the Land and Water Conservation Fund (LWCF) which is utilized for Federal outdoor recreation land acquisitions and to assist State and local government planning, acquisition and development of outdoor recreation areas and facilities.

We oppose enactment of this legislation for several reasons. First, we believe that the L&WCF grants-in-aid program offers a comprehensive approach to providing financial assistance to State and local governments for public outdoor recreation areas and facilities. By developing and using Statewide Comprehensive Outdoor Recreation Plans with enhanced citizen participation requirements, States are able to select projects for Federal financial assistance that meet a variety of State or local priority recreation needs.

Second, we believe that boating facilities are receiving an equitable share of L&WCF assistance. In fiscal year 1978, for example, approximately \$52 million of Land and Water Conservation Funds were granted for almost 500 projects which involved boating as one of the recreation benefits in over 40 States. This \$52 million of Federal assistance is matched by an equal amount of State or local funding, creating a total public investment of about \$104 million in FY 78 for these projects. Third, this proposed fund would divert the motor boat fuel taxes now going to the Land and Water Conservation Fund to a new, special use fund in the Treasury. Federal programs are being streamlined and consolidated and we see no need to establish a new fund, when the Land and Water Conservation Fund is currently available to meet the boating facility improvement purpose of this bill.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD J. MYSHAK,
Deputy Assistant Secretary.

DEPARTMENT OF THE TREASURY,
OFFICE OF THE GENERAL COUNSEL
Washington, D.C., July 17, 1979.

Hon. MARIO BIAGGI,

Chairman, Subcommittee on Coast Guard and Navigation, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Department of the Treasury concerning H.R. 4310, a bill entitled the "Recreational Boating Safety and Facilities Improvement Act of 1979." As noted in the Department's letter of June 27, 1979, these written comments are being submitted in lieu of formal testimony.

The purpose of H.R. 4310 is to amend the Federal Boat Safety Act of 1971 (FBSA) to improve recreational boating safety and facilities through the development, administration, and financing of a national recreational boating safety and facilities improvement program; to authorize the establishment of national construction and enforcement standards for boats and associated equipment; and to create more flexible authority governing the use of boats and equipment. The Department is particularly interested in those provisions of the bill establishing and financing the National Recreational Boating Safety and Facilities Improvement Fund.

Section 2(5) would amend section 27 of the Federal Boat Safety Act of 1971 to establish the National Recreational Boating Safety and Facilities Improvement Fund (Boating Fund) as a separate fund in the Treasury for State boating safety assistance programs. The amendment would divert from the Land and Water Conservation Fund to the Boating Fund special fuel taxes collected under section 209(f)(5) of the Highway Revenue Act of 1956, as amended by section 3 of the bill.

Section 3 provides that taxes on motor fuels used in motorboats, under sections 4041(b) and 4081 of the Internal Revenue Code, would be transferred to the Boating Fund so as to maintain a balance of an amount not to exceed \$30 million in the Boating Fund. These motor fuels are presently taxed at the rate of 4 cents a gallon. Amounts in excess of \$30 million would continue to be credited to the Land and Water Conservation Fund.

Currently, these tax revenues are first transferred to the Highway Trust Fund and then to the Land and Water Conservation Fund. H.R. 4310 would retain the original transfer to the Highway Trust Fund, but directs that the subsequent transfer from the Highway Trust Fund be made first to the Boating Fund. Then, if any motorboat fuel tax revenues remain because of the \$30 million limitation, the remainder would be transferred to the Land and Water Conservation Fund.

At present, about \$35 million per annum is being transferred to the Land and Water Conservation Fund. The net effect to this bill would be to reduce this amount to approximately \$5 million.

When the Land and Water Conservation Fund was established nearly fifteen years ago, revenues from the tax on fuel used in motorboats were transferred to this conservation fund in recognition and development of public land and water areas for recreational purposes. The contribution of revenues from boaters to the Land and Water Conservation Fund is small relative to the total size of this fund. However, the requirement that boaters help finance this conservation fund is a recognition of the fact that they benefit from the activities of this fund.

The Department supports continuation of the use of fuel tax revenues from boaters to help finance the Land and Water Conservation Fund, but opposes the

diversion of these revenues to the programs set forth in H.R. 4310. The Department is not aware of any programmatic need to divert these excise taxes from the Land and Water Conservation Fund to the proposed Boating Fund.

The Department has generally opposed proposals for earmarking Federal tax receipts for particular expenditure purposes. As a general principle of effective budgetary management, Federal revenues should not be earmarked for particular expenditure purposes, but should be available in the general fund for appropriation by Congress to meet current national priorities.

If additional long term programs for the benefit of recreational boaters are to be undertaken, such as those proposed by H.R. 4310, then new levies on boaters would be appropriate. The \$30 million per year proposed by H.R. 4310 could be raised by an additional tax on motor fuel of about 3.5 cents a gallon. A fuel tax does not affect nonmotorized recreational boats, such as sailboats, canoes, and rowboats. If the intent is to cover the whole spectrum of recreational boats, then a tax on manufacturers sales of boats might be imposed. Another alternative is through an annual recreational boating license fee.

Further, the Department is concerned about the construction given the authorization of appropriations in section 2(8) in the bill. The Department interprets this provision as authorizing the appropriation of \$30 million per year for fiscal years 1981 through 1984 from the Boating Fund. However, the Department notes that, as drafted, this provision could be interpreted as an authorization of appropriations from the general fund of the Treasury. Under this latter interpretation, two sources of funding would be created, although the Boating Fund would not be available without a separate authorization of appropriations from the Boating Fund. If a dual source of funding is intended, then the Department questions the need to establish this separate fund. The Department believes that two sources of funding is not intended and recommends that the proposed section 30 of the FBSA be clarified by adding "from the National Recreational Boating Safety and Facilities Improvement Fund" between "appropriated" and "\$30,000,000".

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely yours,

_____,
Acting Deputy General Counsel.

Mr. HUGHES. In order to move along expeditiously, I would like to invite to the witness table Rear Adm. Bernie E. Thompson, Chief, Office of Boating Safety, U.S. Coast Guard, Department of Transportation.

Admiral Thompson, we are happy to have you with us today.

Admiral, we have your statement which will be made a part of the record and you may proceed in any way that you would like at this time.

STATEMENT OF REAR ADM. BERNIE E. THOMPSON, CHIEF, OFFICE OF BOATING SAFETY, U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

Admiral THOMPSON. Thank you, Mr. Chairman.

Mr. Chairman and members of the subcommittee: I am Rear Adm. Bernie E. Thompson, Chief of the Office of Boating Safety, U.S. Coast Guard. It is a pleasure to appear before you today to present the administration's position on H.R. 4310, the Recreational Boating Safety and Facilities Improvement Act of 1979.

H.R. 4310 would amend the Federal Boat Safety Act of 1971 to improve recreational boating safety and facilities through the development, administration and financing of a national boating safety and facilities improvement program. It supersedes the grants to States sections of the Federal Boat Safety Act, substituting provisions establishing a national boating safety and facilities improvement program and fund comprised of a portion of the Federal

marine fuels tax paid by recreational boaters. This Federal revenue would be returned to the States through a formula grant to be matched by State funds.

There is no question that boating is a major recreational activity in this country, with over 55 million Americans participating each year. There is a great diversity of boating activities on all types of waters. Boating has enjoyed a virtually uninterrupted growth since becoming a major form of recreation. Congress recognized the need, and established a comprehensive national boating safety program, through the Federal Boat Safety Act, to encourage the cooperative efforts of Federal and State governments, the boating public and volunteer organizations, and the manufacturing community. To the credit of the resulting cooperative efforts of these groups, the line has been held on the boating fatality rate. The fatalities per 100,000 boats have been cut in half since passage of the act.

In our testimony on the extension of the State boating safety assistance program in February 1978, we indicated that the program provided the incentive to the States to develop acceptable boating safety programs, and to assume a major share of what is logically and statutorily a joint responsibility. The objectives of the grant provisions of the Federal Boat Safety Act to encourage the development of State boating safety programs have been accomplished. When recommending that Federal funding be phased out, we indicated that sufficient State resources should be available to provide adequate boating safety programs. While I suspect that the economic climate today may make it more difficult for some States to retain existing levels of boating safety activities, I feel the States as well as the Federal Government must make some difficult priority determinations as to the scope of services which will be provided to their citizens.

Looking broadly at Federal recreation programs, there is some concern that splitting off boating facilities from the land and water conservation fund would serve to fragment outdoor recreation planning and resource development. The Heritage Conservation and Recreation Service in administering the land and water conservation fund has regional resources working with each State to identify recreational needs. Setting up a separate administrative mechanism in the Coast Guard would to a great extent duplicate the activity of the Heritage Conservation and Recreation Service, and would require additional resources to coordinate and administer a boating facilities program. In addition, administration of the facilities program would be a new area for the Coast Guard at a time when we are already managing many new tasks. Also, it is the administration's position that the \$30 million recreational boating safety and facilities improvement fund would entail establishment of a new categorical Federal fund. This is not desirable.

While there have been no formal studies regarding the need for boating facilities, through informal observations and review of State, industry, boating association and boater information, there may be a need for some additional facilities. However, the Heritage Conservation and Recreation Service considers this need in developing priorities for funding. Boaters are paying the costs for these facilities in proportion to their participation in boating activities.

In summary, we feel that with the 2-year phaseout of the State boating safety assistance program, the States have had sufficient opportunity to plan their continuing boating safety activities at a level commensurate with the amount of boating activities, known safety programs, and available State revenues, primarily those boating generated.

The Coast Guard appreciates the committee's efforts to promote the safe use and enjoyment of our Nation's waters. We will continue to use all means we presently have available to support the States in promoting boating safety.

That, Mr. Chairman, completes my formal presentation. I will be happy to answer any questions you may have or to provide any material for the record.

Mr. HUGHES. Thank you, Admiral.

Your statement I think very clearly indicates that the program has been successful, that it has met many of its objectives in attempting to involve the States in boating safety. In essence, is that not part and parcel of your statement?

Admiral THOMPSON. That is correct.

Mr. HUGHES. You also concede that even though the States that are very deeply involved in boating safety, there is no question but that the States have the same problem that the Federal Government has in funding programs.

Do you have any idea how the States would continue boating safety programs given their budget restraints without some Federal assistance or initiative?

Admiral THOMPSON. With the letter that the Commandant sent to all of the Governors in 1978 which was provided in the testimony last year, no further investigation or inquiry has been made formally to the States for their answers or their plans in continuing boating safety.

Mr. HUGHES. Is there any question that if there were not the very serious budgetary consideration, that the Coast Guard would be in here recommending continuation of the program?

Admiral THOMPSON. We feel that the State grant program has fulfilled the need that it was developed for.

Mr. HUGHES. But if the States that were encouraged to develop the programs dropped them because of their own budgetary constraints, then we haven't really solved the initial problem, have we?

In other words, if indeed the States find that their own budgetary crunch will not permit them to pick up the programs without the Federal Government's participation then what we have begun will have been to no avail?

Admiral THOMPSON. At the present time, 51 of the 55 entities have an approved State boating program. As far as the priorities, each State will have to determine what funding they will allocate to continue the program.

Mr. HUGHES. I can recall last year when the Coast Guard was before our committee talking about boating safety, throughout the entire length of the statement, it sounded like the Coast Guard was enthusiastically supporting the program until we got to the bottom line, the last paragraph, where the Coast Guard recommended that the program be phased out.

The statement this year sounds fairly similar except that this year you have added that you have achieved the objectives set forth in the original legislation.

It also sounds to me that the Coast Guard, in indicating its support of the bill, might have been overruled by somebody else—maybe OMB. Is there any substance to that?

Admiral THOMPSON. Our Commandant feels very strongly, as he testified earlier in our appropriations hearing, that the Federal-State grant program for boating safety has completed its initial purposes.

Mr. HUGHES. Were the initial recommendations of the Coast Guard to OMB to continue the program through H.R. 4310 which is the bill that I assume the Coast Guard has considered and reviewed with OMB.

Did the Coast Guard make any recommendation with regard to this particular legislation?

Admiral THOMPSON. The Commandant feels the State grant program has completed its intent. Assuming a new program of facilities development would be an additional task laid on the Coast Guard.

Mr. HUGHES. And it is the position of the Coast Guard that they would not have the personnel and resources to participate in the commitments required by H.R. 4310?

Admiral THOMPSON. The requirements to implement H.R. 4310 would be additional funding and additional personnel.

Mr. HUGHES. I see.

I wonder if you could tell us how much the Coast Guard determines would be required in resources to administer H.R. 4310?

Admiral THOMPSON. I would be happy to provide that for the record.

Mr. HUGHES. You do not have that available at the present time. Did you have some figures to submit to OMB?

Admiral THOMPSON. I have some estimates.

Mr. HUGHES. Were figures submitted to OMB?

Admiral THOMPSON. No.

Mr. HUGHES. Did the Coast Guard review the provisions of H.R. 4310 with OMB?

Admiral THOMPSON. Yes; they were reviewed.

Mr. HUGHES. Did the Coast Guard make any recommendations about the desirability of either supporting or not supporting H.R. 4310?

Admiral THOMPSON. No; we did not make any recommendations other than those I mentioned previously.

Mr. HUGHES. You understand that under the provisions of H.R. 4310 the moneys would come out of the Land and Water Conservation Fund, it would not come from general revenues as such?

Admiral THOMPSON. That is correct.

Mr. HUGHES. Were there any discussions with OMB over the funding mechanism?

Admiral THOMPSON. I believe that is clear in the bill.

Mr. HUGHES. Does the Coast Guard or OMB—and perhaps we will have to ask OMB this—have some problems with the manner in which it is funded or just the issue of whether or not it is needed

in view of the fact that the program to date has been somewhat successful?

Admiral THOMPSON. I believe one of the objections is the establishment of the new categorical fund.

Mr. HUGHES. Is there any recognition on the part of the Coast Guard for the need to continue some type of Federal involvement?

Admiral THOMPSON. The Federal Boat Safety Act requires the Coast Guard to coordinate the activities of the States, the public, and the commercial activities in promoting boating safety and, therefore, there would be no reduction in our coordination of our activities in promoting boating safety with the States and with the other entities.

Mr. HUGHES. The Coast Guard recognizes that if a number of the States that have just begun their boating safety programs decide that they too, for budgetary reasons, cannot carry the boating program forward, that they will again be without programs in the State?

Admiral THOMPSON. We hope that the States will see the need and, therefore, continue their programs.

Mr. HUGHES. We hope so too. We do not believe that will be the case. That is the reason we are taking testimony in H.R. 4310. We believe that some of the States have the same problems that the Federal Government has—priorities.

The question is what will happen to the momentum that has already begun in those States?

Does the Coast Guard realize we could lose much of the initiative we have already begun in those States where programs are presently underway?

Admiral THOMPSON. We hope with our liaison activities in the States that we can work with them and that we can convince them to continue with their programs.

Mr. HUGHES. They are hoping we can convince the Coast Guard that the Coast Guard will continue to carry on the programs. Liaison is not a good resource to carry on the programs. Money is needed to carry on the programs. H.R. 4310 provides a source of funding which will insure the continuity of those programs.

The States are looking around for all types of programs to cut. I am sure that you will agree that this is one program that is probably going to draw a high priority from the standpoint of cutting, just like it obviously is at the Federal level.

Would you agree that it has been very difficult to get States to initiate programs to begin with?

Admiral THOMPSON. Those States that have a high degree of boating activity are extremely active in promoting boating safety. Conversely, those who do not have a high number of boaters, are more or less hesitant to involve themselves in an active program.

Mr. HUGHES. Would you agree that it is very difficult to get many of the States to begin a program, and that much of that was due to lack of funding? And that the carrot that was held out to them was additional Federal funding?

What information do you have that leads you to believe that the States are going to continue this program without the carrot.

Admiral THOMPSON. We have no positive indications from the States whether they will continue their program or not. We did not conduct any such survey.

Mr. HUGHES. We are hopeful that they will, but we will leave it to chance, to the reordering of priorities in the various States?

Admiral THOMPSON. We feel it will be up to the States to determine their priorities.

Mr. HUGHES. Thank you.

Mr. Evans?

Mr. THOMAS EVANS. Thank you, Mr. Chairman.

Admiral Thompson, thank you very much for being with us this afternoon. I agree with you that we live in an era of austerity, and I think we have to do everything we possibly can to eliminate those programs that are not working. But, it seems to me that the original act of 1971 has been extremely effective in that the number of recreational boaters, since 1971, has increased rather dramatically from about 6 million to about 14 million, if I understand that correctly.

For example, in 1978, Delaware had 29,000 numbered boats and our neighbor on the other side of the Delaware Bay, represented by my good friend from New Jersey, Mr. Hughes, had 118,000 numbered boats. I have always been one to believe that the old adage of an ounce of prevention is worth a pound of cure is a pretty good one. Even though we dramatically increased the number of recreational boaters, the number of facilities has been reduced substantially. We have to eliminate programs, yes, but where a program is doing a job in the long-term interests of everyone, including the Federal Treasury as well as the States, it seems to me that we should be rather reluctant to eliminate that program.

I recognize that you have achieved your short-term goal of implementing boat safety programs in a number of States that have worked, but I think it would be very foolish, indeed, if we were to completely eliminate our Federal matching grants if we did not have some reason to believe substantively that those programs would not continue. Because if we had a dramatic increase from 1971 to 1979, it seems that we will continue to have an increasing number of boaters. We have an increasing number in our population. It just doesn't seem to me to make very good sense.

Admiral THOMPSON. Your figures are very accurate as far as the increase in boating is concerned. Going back to the grant program, that was basically seed money and that has completed its tasks. For the future, we hope that the cooperative program between the States, the Federal Government, the public and the manufacturers will continue and that we can continue the momentum that we have now in our boating safety program as a cooperative effort.

Mr. THOMAS EVANS. Well, hope, Admiral Thompson, is one thing and actually achieving that objective is something else. I am just not convinced that the goals you have achieved will be lasting ones if you do not include some type of incentive to the States to continue their program.

I think my good friend from New Jersey shares that concern. I would hope that the Office of Management and Budget would understand that we need to concentrate on those programs that are working well and to recognize that there are fiscal problems at

every level, but where we can use matching funds- small amounts of matching funds—to encourage some programs that have been wonderfully successful, I think it is up to us and it is our responsibility to do so.

Let me ask you a question about the Interior Department's land and water conservation plan. As I understand it, you said in your testimony that there is some concern that splitting off boating facilities from land and water conservation funds, would serve to fragment recreation planning and resource development.

How much money for this program comes from a land and water conservation fund for purposes aiding recreational boaters?

Do you have an estimate of that?

What are the moneys used for? Enforcement? Facilities, et cetera?

Admiral THOMPSON. We have no estimate how much of the fund is now spent for the promotion or for the interests of recreational boating.

Mr. THOMAS EVANS. Well, I would appreciate very much, Admiral Thompson and Mr. Chairman, if you would provide us with some type of estimate. That would help us get to the question of whether or not there is an overlap and whether or not we can continue a program in a most effective manner with the least possible outlay of funds, because we do have duplication, as you know, in every level of the government. I think it would be helpful if you would give us an estimate of that.

Admiral THOMPSON. We will provide that for the record.

Mr. THOMAS EVANS. Thank you, Mr. Chairman.

[The following was received for the record.]

The Coast Guard requested the desired information concerning the amount of money which comes from the Land and Water Conservation Fund for purposes aiding recreational boaters from the Heritage Conservation and Recreation Service, which administers the fund. A copy of the Service's reply follows.



IN REPLY REFER TO: 570

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United States Department of the Interior

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AUG 21 1979

Captain E. A. Delaney
 Acting Chief, Office of Boating Safety
 U. S. Coast Guard
 Department of Transportation
 Washington, D. C. 20590

Dear Captain Delaney:

This is in response to your letter of July 26, 1979, to Mr. William Wolph, Chief, Office of Legislation and Congressional Affairs, requesting information on Land and Water Conservation Fund (L&WCF) assistance available for recreational boating.

The Heritage Conservation and Recreation Service administers the L&WCF program which provides matching grants to State and local units of government for the acquisition and development of outdoor recreation areas and facilities. No funds are available for enforcement, operation or maintenance expenses. Boating is an important component of public outdoor recreation and this Service has provided matching assistance for a number of public boating acquisition and development projects since enactment of the L&WCF Act of 1965.

For example, in fiscal year 1978, \$52 million worth of L&WCF assistance was provided for almost 500 projects with recreational boating elements in over 40 states. This assistance was matched by an equal amount of State and local funding, creating a total public investment of about \$104 million. This amount is balanced against the \$30.5 million of Federal motorboat fuel tax that accrued to the L&WCF in-fiscal year 1978.

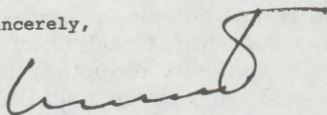
The amount of L&WCF assistance requested by States for boating projects varies as State officials attempt to meet the full array of public outdoor recreation needs identified in their Statewide Comprehensive Outdoor Recreation Plans (SCORP). However, where boating facility needs are identified in SCORPs, Fund assistance may be substantial.

For instance, in fiscal year 1978, Michigan received almost \$3 million for sixteen projects that included construction of mooring and launching facilities and marinas. In that same fiscal year, Hawaii received almost \$3 million for five projects including launching facility and harbor improvements and marina construction.

We anticipate continued L&WCF involvement in the acquisition and development of boating areas and facilities. Also, with the implementation of this Service's new Urban Park and Recreation Recovery program designed to rehabilitate recreation facilities, and with the emerging Federal interest in urban waterfront revitalization we believe that this Service will increase its commitment to provide financial and technical assistance for the acquisition, development, and rehabilitation of public water-based outdoor recreation areas and facilities.

I hope this information will be useful to you. Please feel free to contact me or call Mr. William Wolph or Mr. Rowland Bowers, Acting Chief, Division of State Programs if we can be of further assistance.

Sincerely,



Chris Therral Delaporte
Director

Mr. HUGHES. Admiral, is there any question in your mind that cutting back or cutting off Federal funds will have a deleterious effect on the national-State boating program?

Admiral THOMPSON. We hope that the States will continue.

Mr. HUGHES. I understand. You said that before.

Is there any question that cutting back these funds to States will have some impact, some effect, some deleterious effect on our national safe boating program?

Admiral THOMPSON. I think it is only speculative, Mr. Hughes, that funds being what they are in these times, that each State is going to have to determine their own priorities and, undoubtedly, some States will place higher priorities on other services to their citizens.

Mr. HUGHES. You have not answered my question.

My question is specific. Let me tell you that you have done a good job in carrying the Coast Guard position on this. That is your job.

Is there any question in your mind that by cutting back on these funds to the States that it is going to have a deleterious effect on our national safe boating programs? I know about your hopes. You told us about that. But I also know that you are a realist. I think you know the program well enough so that you can answer my question.

Admiral THOMPSON. Some of the State boating administrators have stated to me that some of their programs within the States

will have to be reduced if they don't receive the fundings they hope to get.

Mr. THOMAS EVANS. It seems to me it is pennywise and dollar foolish and we should send that message to OMB when we don't continue a program that has been highly successful in reducing the number of fatalities, even though the number of recreational boaters has increased dramatically.

May I ask you one further question, Admiral Thompson? I realize that you are presenting a point of view that may not be shared by all within the Coast Guard. Did the Coast Guard, in fact, recommend to OMB that we continue the program?

Admiral THOMPSON. The Coast Guard did not recommend any continuation of the State grant program.

Mr. THOMAS EVANS. Any at all?

Admiral THOMPSON. Not any at all.

Mr. THOMAS EVANS. Thank you.

Mr. HUGHES. To the extent that increased State boating safety efforts have been undertaken by virtue of the Federal Boat Safety Act—thereby reducing Coast Guard workloads somewhat, would you anticipate that any reduction in State activity might result in additional Coast Guard responsibilities in this area?

Admiral THOMPSON. We don't anticipate any reduction in State activity might result in additional Coast Guard responsibilities in this area. We anticipate increasing education programs.

Mr. HUGHES. You do not anticipate any additional involvement by the Coast Guard to replace State efforts?

Admiral THOMPSON. That is correct.

Mr. HUGHES. You indicate at one point in your testimony that to a great extent administrative costs would be duplicated by this legislation. What costs are you referring to?

Admiral THOMPSON. These are the administrative costs for a boating facilities program.

Mr. HUGHES. Can you tell us what particular administrative cost and how much we are talking about?

Admiral THOMPSON. I can provide that for the record.

Mr. HUGHES. We will receive it.

[The following was received for the record.]

ADMINISTRATIVE COSTS FOR BOATING FACILITIES PROGRAM

A small cadre of new expertise would be needed in Coast Guard Headquarters to develop the new facilities program guidelines and standards, to assess facility needs, to determine eligibility and approve State programs and to otherwise administer the program. We estimate that the total annual facilities program administrative cost would be \$378,000.

Personnel requirements include a recreation program specialist, environmental review specialist, civil engineer, program analyst, manager/supervisor, clerical, and one-half man-year of legal and financial/accounting support. The additional personnel would cost approximately \$198,000 per year.

Coast Guard Headquarters and District travel and materials costs are estimated at \$85,000.

Annual cost for biennial audits of each State program would be about \$95,000.

Mr. HUGHES. You indicated that several of the administrators of the program have indicated to you that they would have to curtail their program.

Have you talked to many of the administrators in the various States about their own programs and the likelihood of the programs being continued without some Federal assistance?

Admiral THOMPSON. I have not discussed that directly. I have met with all the State boating administrators during the past year at various times.

Mr. HUGHES. Would that not be an important fact before a position is taken on the legislation, as to what the States would be able to do on their own without Federal help before taking a position on the legislation?

Admiral THOMPSON. Again, the problem there is what priorities the States place on their boating safety program.

Mr. HUGHES. I understand. But if we agree that the boating has increased and the program has been successful; that it has cut down on fatalities; that it has made the boating public more knowledgeable; that it has cut down on the direct responsibilities of the Coast Guard as is evident because you have had to cut down some of your own activity: Given those facts, would it not be important to know, before taking a position on this particular bill, whether the States have the resources or the inclination to continue the boating program without Federal help?

Admiral THOMPSON. We have not conducted any formal survey of the States.

Mr. HUGHES. Would that not be extremely helpful?

Admiral THOMPSON. It would be valuable.

Mr. HUGHES. If you found that half of the States could not carry the program forward without Federal help, would that change your view?

Admiral THOMPSON. I am not sure it would necessarily change our view. Since our program of supporting a cooperative safety program has provision for the future of the boating safety program in the four categories of education, law enforcement, standards and liaison.

Mr. HUGHES. One of the things that the original act was to do was to prod the States, get them involved. If we found because of budgetary constraints the States were not inclined to continue the boating program, then one of the original objectives of the legislation would not have come true; is that not so?

If we find that many of the States would not be carrying on the program without some assistance, then one of the major objectives of the bill would not be realized; is that not accurate?

Admiral THOMPSON. But at the present time, 51 of the 55 entities do have a safety program.

Mr. HUGHES. I understand. But how many will be able to carry on without it? If our information is accurate that many, many States will not be able to fund the program without some assistance, then our original intent will not have been realized; is that not so?

Admiral THOMPSON. The intent of the bill was to develop a cooperative program. The States must participate as well as the

Federal Government in the program and they must pay their share.

Mr. HUGHES. If we find that the States are not able to get along without some help, then obviously it is time to reexamine the program if you deem that it is a worthy program, that it is in the national interest to have safe boating, throughout the country; is that not so?

Admiral THOMPSON. I think we have a very reliable working program in boating safety. We can continue with areas in public education, in standards development, and in joint law enforcement activities with the States. I think we can continue that program as a viable working program that will continue to hold the line on fatalities.

Mr. HUGHES. And if the Coast Guard finds next year that half of the States are not able to carry on the programs, then where do we go?

Admiral THOMPSON. That would have to be considered in next year's light.

Mr. HUGHES. But then we have lost the momentum. Many of the States have staffs already set up. Would that not be a gigantic waste of resources to start over?

Admiral THOMPSON. We hope the States will hang on and continue their present programs.

Mr. HUGHES. I can see that you are an optimist.

Admiral THOMPSON. I am.

Mr. HUGHES. So am I.

From your reading of this legislation, could it function as a vehicle to accelerate the assumption of responsibilities by the States for recreational boating education, assistance, and enforcement—with a corresponding reduction in necessary Coast Guard efforts in these areas?

Admiral THOMPSON. I think speculatively it would definitely accelerate the program. But at the same time, because of the cooperative nature of the whole boating safety program, I don't see that there could be any replacement of Coast Guard forces since our program, as we have developed it, is going ahead in an active way. The cooperation will not be reduced.

Mr. HUGHES. I thank you very, much. We appreciate your testimony.

Mr. HUGHES. The next witness is the Honorable John M. Prenderville, deputy commissioner for regional administration, New York State Office of Parks and Recreation.

It is good to have you with us. Please come to the witness table.

STATEMENT OF HON. JOHN M. PRENDERVILLE, DEPUTY COMMISSIONER FOR REGIONAL ADMINISTRATION, NEW YORK STATE OFFICE OF PARKS AND RECREATION, REPRESENTING HON. HUGH L. CAREY, GOVERNOR OF THE STATE OF NEW YORK, AND HON. ORIN LEHMAN, COMMISSIONER OF THE NEW YORK STATE OFFICE OF PARKS AND RECREATION, ACCOMPANIED BY WILLIAM J. DELANEY, NEW YORK STATE OFFICE OF PARKS AND RECREATION, STATE BOATING LAW ADMINISTRATOR

Mr. PRENDERVILLE. Thank you, Mr. Chairman.

I would like to introduce my colleague, Mr. William J. Delaney, State boating law administrator. The statement I am about to read is representative of Hugh L. Carey, who is Governor, and also Orin Lehman, commissioner of the New York State Office of Parks and Recreation.

I am addressing this committee today in relation to H.R. 4310, a bill to amend the Federal Boat Safety Act of 1971 to improve recreational boating safety and facilities through the development, administration, and financing of a national recreational boating safety and facilities improvement program.

Among the beneficial provisions of the Recreational Boating Safety and Facilities Improvement Act 1979 is one which deserves special mention. The funds to be distributed to the various States and other eligible participants are derived from the Federal Marine Fuel Tax collected from recreational boaters. The boating public's tax dollars will be spent for their own form of recreation. By utilizing this financing method, this legislation is using a portion of the taxes paid by recreational boaters to further enhance the growth of this recreational activity without using general funds. I might add, too, that it is the strong feeling of boating enthusiasts and recognized boating organizations that their extra contribution through the Federal Marine Fuel Tax to our tax structure deserves recognition and, more importantly, entitles them to a return portion of the tax for the necessary improvements and sustenance to boating throughout the United States of America.

I can assure you that the funds forthcoming from this proposal will enable our State and many other States to increase boating safety education programs, step up enforcement activities, and cope with the problem of waterway zoning.

We will be in a more viable position to continue providing access to the waters of the State, in particular those near our urban population centers where a large segment of our recreational boatmen reside. The grants forthcoming will be used to augment the nearly depleted appropriations of our marine facility development programs, which were begun in the mid-1960's. Incidentally, such access construction will conserve energy as boat trailering time will be cut and the fuel saved can be utilized for recreational boating.

In addition, we will research, develop, plan, evaluate programs, and formulate policies and procedures for implementation of programs to promote the safe and proper use of boats for recreation and commerce in the State, provide proper services and facilities which will be in the public interest and will insure the equitable use of the waters of the State.

Grants received in the past were primarily used for increased education for the boating public. This is an area for which we feel that we have only scratched the surface, and much more needs to be done. The campaign must be continued in order to reach those in need of safety information. Failure to pass this legislation will obviously result in curtailment or discontinuance of many boating programs which have proved to be of great value and have decreased boating accidents and fatalities.

We in New York State are well aware of the economic impact of recreational boating to our State and the Nation. Quite frankly,

this is a recreational activity which affects many of our people and a great many industries in addition to tourism. This ancillary effect should be considered in your deliberation.

Do you realize that in our State, we have over 1,000 marine dealers and marine manufacturers in 154 communities, with 80 in New York City alone.

We, therefore, urge that favorable consideration be given to H.R. 4310 so as to continue the momentum of beneficial programs already started nationally, and increased funding will enable expansion or start of new programs which austerity has prohibited.

In fact, I would suggest that consideration be given to making this bill effective in fiscal year 1980 by utilizing the present authorization of \$10 million for aid to States with boating safety programs as contained in amendments to the Federal Boat Safety Act of 1971. This bridging of the fund between the old and the new legislation would alleviate certain employment problems in many States through retaining of personnel to be terminated by withdrawal of grants in addition to bringing an element of stability in funding of ongoing programs. The succeeding years' appropriations could be increased to the recommended level.

I wish to thank you for the privilege extended to me to appear before you to testify concerning the proposed bill. If any additional information relative to New York State's activity in recreational boating is needed, I will see that it is provided to you.

Thank you, Mr. Chairman.

Mr. HUGHES. Thank you, Mr. Prenderville.

Mr. Evans?

Mr. MELVIN EVANS. No questions.

Mr. HUGHES. How have the funds derived from the Outdoor Recreation Bond Act of 1965 been expended in terms of recreational boating facilities in New York State?

Mr. PRENDERVILLE. Would you please repeat the question?

Mr. HUGHES. How have the funds derived from the Outdoor Recreation Bond Act of 1965 been expended in terms of recreational boating facilities in New York State?

Mr. PRENDERVILLE. Very poorly. I have to be frank. The moneys from the Bond Act are used for launch sites and things of that nature.

Mr. HUGHES. Does New York State utilize marine tax revenue or boat registration fees for recreational boating safety or facilities improvements programs?

Mr. PRENDERVILLE. Yes; we derived some \$600,000 income from registration, \$300,000 of which goes back into the boating program.

Mr. HUGHES. And the other goes into the balance of State revenues?

Mr. PRENDERVILLE. Yes.

Mr. HUGHES. Do you have a marine fuel tax?

Mr. PRENDERVILLE. Yes; we don't get an opportunity to use it. There is a marine tax in the State.

Mr. HUGHES. Is it earmarked for any boating activities?

Mr. PRENDERVILLE. No.

Mr. HUGHES. Would Federal funds under this legislation be utilized to redevelop New York City's waterfront through marina and

commercial developments similar to those at San Francisco's Pier 39?

Mr. PRENDERVILLE. Yes, I believe they could.

Also as to a question asked before of the Admiral, this money, as you know, is coming out of the Land and Water Conservation Fund. New York State receives approximately \$22 million of that fund. Yet we strongly support this bill going forward because we feel even though a large proportion of \$22 million is used for boating activities, it is not enough. That is a local match, a 50-50 match. So if a community comes to us with a new marina, we would actively support that. I don't think there is enough money from that act going into the boating program within our State, so the additional money would be helpful.

Mr. HUGHES. How were Federal boating safety funds expended in New York State last year?

Mr. PRENDERVILLE. Most of ours went to boating education.

Mr. HUGHES. What would be the effect of boating safety if the funding were to be discontinued?

Mr. PRENDERVILLE. The Governor would support continued education. Recreation seems to receive a low priority in terms of the priorities of the State, so we would have a long, hard fight to replace moneys we would lose from the Federal Government.

How we would list our priorities within the program at this particular time, I don't know, but I believe boating safety would be one of the lowest priorities within the State.

Mr. HUGHES. Would you say that the probability of 50 percent funding is one of the most important motivations?

Mr. PRENDERVILLE. Yes.

Mr. HUGHES. And without that, you see a major curtailment in safety boating activities?

Mr. PRENDERVILLE. Yes.

Mr. HUGHES. Have Land and Water Conservation Fund moneys been utilized in New York State to fund boating facilities projects?

Mr. PRENDERVILLE. Yes. To what extent, I can't tell but, as you know, I just mentioned a moment ago that is a 50-50 match and we try to support whatever local programs the local communities come in for. We would fund it if they are eligible. We have \$22 million of land and water conservation funding and we have requests for over \$70 million in funds so that the match is quite sought after.

Mr. HUGHES. Thank you, Mr. Prenderville.

The Members of Congress from your State wanted to extend a welcome to you, but they were committed, unfortunately, in other committees. This is particularly true of the chairman of this subcommittee, who sponsored H.R. 4310, Hon. Mario Biaggi and Hon. John Murphy, chairman of the full committee. They extend you a welcome.

Mr. PRENDERVILLE. Thank you. We appreciate the opportunity to testify.

Mr. HUGHES. Thank you.

Mr. George W. Stewart, Jr., president of the National Association of State Boating Law Administrators, Division of Fish and Wildlife, State of Delaware.

Mr. Stewart, we are happy to have you with us today. We have your statement, which will be made a part of the record. You may

proceed in any way you see fit. Please introduce your colleagues to us.

STATEMENT OF GEORGE W. STEWART, JR., PRESIDENT, NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS, DIVISION OF FISH AND WILDLIFE, STATE OF DELAWARE, ACCOMPANIED BY THOMAS GLYNN, STATE BOATING LAW ADMINISTRATOR FROM THE DISTRICT OF COLUMBIA AND ROY W. RAFTER, SUPERINTENDENT, MARYLAND NATURAL RESOURCES POLICE, AND WILLIAM J. DELANEY, NEW YORK STATE OFFICE OF PARKS AND RECREATION, STATE BOATING LAW ADMINISTRATOR

Mr. STEWART. I would like to introduce two gentlemen, Tom Glynn to my left, boating law administrator, from the District of Columbia, and Roy W. Rafter, to my left, boating administrator for Maryland.

The gentleman here with Mr. Prenderville, William J. Delaney, the boating administrator from New York is also here. If he would care to join us at the table, we would like to have him come up.

Mr. HUGHES. We would be glad to have him.

Mr. STEWART. Mr. Chairman and committee members, I am George W. Stewart, Jr., president of the National Association of State Boating Law Administrators, commonly referred to as NASBLA, boating administrator for the State of Delaware, past president of the North East States Boating Law Administrators Conference and presently a member of the National Boating Safety Advisory Council to the U.S. Coast Guard, created under Public Law 92-75.

My testimony is for the purpose of showing full support of the National Association of State Boating Law Administrators for H.R. 4310 Recreation Boating Safety and Improvement Act of 1979 and to urge your committee and the 96th Congress to enact into law this important piece of legislation.

As you know, Public Law 95-618 was enacted by the Congress last year eliminating Federal tax rebates to recreational boaters. Under the provisions of H.R. 4310, this marine fuel tax revenue amounting to approximately \$30 million annually will be returned to the States each year on a matching basis.

The State Boating Law Administrators, as I'm sure you are aware, plan and direct the boating safety effort at the State level. This dedicated group of which I am proud to be president, strives very hard to live up to the intent of the Federal Boat Safety Act of 1971, in working toward uniformity and reciprocity of our boating laws. Safe and enjoyable boating for the more than 14 million boats that use our Nation's waterways is our primary objective.

Boating nationally continues to grow by leaps and bounds. We had an estimated 5.85 million boats in 1962, compared to 14.05 million in 1978. The momentum is not only expected to continue, but to increase in the coming years. This is readily understandable when you consider this priceless natural resource out waters satisfies the insatiable appetite of sport fishermen, the recreation boating enthusiast and those who desire to leave pressures behind to relax and absorb the tranquillity of our Nation's waterways and beaches.

Assisting the States in carrying out a cost-sharing boating safety program with the U.S. Coast Guard has been the Federal funds that were initially authorized under the Federal Boat Safety Act of 1971. The program was so instrumental in preventing accidents, thus saving lives and property, that it was continued beyond the initial 5-year period. The latest extension was authorized through fiscal 1980 by H.R. 10075 which originated from this subcommittee and passed in the 95th Congress. However, it seems doubtful that funds will be included in the Coast Guard's budget for fiscal 1980 for boating safety, thus a void is created in providing the funds necessary for the States to continue their boating safety program at an acceptable level. We therefore view H.R. 4310 as bridging the gap left by the discontinuance of the grant-in-aid funds and thereby allowing us to continue a program that is working well.

In addition to boating safety, H.R. 4310 addresses an area of utmost importance to the boating public; that is boating facilities. The National Association of State Boating Law Administrators perceives that something mutually beneficial to energy conservation and the recreational boatmen can be accomplished by turning the Federal gasoline tax rebate back to the States for the development and improvement of boating facilities in urban areas where the majority of boatowners live, thereby reducing the necessity of boatmen's fuel expenditures for trailering their boat to facilities far from home. NASBLA believes that boating activities will continue to expand at an ever-increasing rate and the public demand for recreational facilities will need to continue to increase in proportion to such overall demand. It is HASBLA's opinion that H.R. 4310 will go far in meeting the needs for boating facilities.

Since the passage of Public Law 92-75 with its Federal aid provisions nearly every State has succeeded in reducing loss of life and property on the waters within their respective jurisdictions. That was done in the face of an ever-increasing number of recreational watercraft.

With the phasing out of the Federal grant-in-aid program, the boating public as we see it is sounding off loud and clear that they want the program of Federal aid continued, but would rather pay their own way by using the Federal tax they pay on fuel used in boats for funding boating safety and facilities improvement as provided in H.R. 4310.

The National Boating Safety Advisory Council of which I am a member is comprised of State Boating Law Administrators, the public sector and boating industry. This council which represents the cross section of our boating community voted at their 20th meeting in San Francisco on December 13-14, 1978:

That the council go on record supporting the concept of legislation similar to H.R. 13911 which was introduced in the 95th Congress, whereby the Federal marine fuel tax will be returned to the boater through a facility and services development program.

NASBLA and many other organizations and groups have already gone on record supporting the return of Federal motorboat fuel tax for boating services and facilities. After all, this is not a revolutionary nor unprecedented course of action since 30 or more States dedicate part or all of their State marine fuel tax to boating

services and facilities and Federal tax on certain aviation and motor vehicle fuel is reverted to support their respective programs.

NASBLA believes we need adequate recognition and funding for a positive boating services and facilities program to meet the boating community needs and keep the controls necessary so that all boaters may be offered the opportunity to recreate in a relaxing environment with limited restrictions. We feel that with H.R. 4310, we would have such legislation to provide these needed services.

In summary, the National Association of State Boating Law Administrators strongly recommends passage of H.R. 4310 as legislation that is long overdue and in the best interest of our boating community.

Thank you, Mr. Chairman, I appreciate the opportunity to submit testimony to you on behalf of the National Association of State Boating Law Administrators.

Mr. HUGHES. Thank you for a very fine statement, Mr. Stewart. Mr. Evans?

Mr. MELVIN EVANS. I have no questions.

Mr. HUGHES. What would be the impact if some legislation similar to H.R. 4310 is not enacted by Congress?

Mr. STEWART. We would be in dire straits. This is the consensus of all State Boating Law Administrators. It was previously directed to Admiral Thompson when he was testifying whether we have voiced this opinion. We have voiced it loud and clear. I voiced this to the Coast Guard and Admiral Thompson was present at the Northeast Boating Administrators Conference which include the regions from Maryland up to Maine, the Southeast sector at Louisville, Ky., just a little over 1 month ago. They were present. We voiced it in Sacramento, Calif., before the Western group and I have a feeling that the West Central meeting to be held in Iowa will prepare a statement. All the State associations have gone on record saying that we really think we will have a problem if we don't. Boating groups throughout the country feel that way too. They are rallying around. They don't care who rescues them if they are in trouble, whether it is the auxiliary or the Coast Guard or the police troops. They like to feel that someone is there and feel that the State has the responsibility to respond to the needs of the public in that area. Whether it is the Delaware Marine Police or the Maryland Marine Police, we should have someone there. The programs won't continue without some type of Federal assistance.

Mr. HUGHES. Have you made any effort as an association to assess what impact the anticipated cutbacks would have on the various States, on the members of your organization?

Mr. STEWART. Yes, sir. We have canvassed them. This is in the area of boating safety. Boating facilities is something new coming forth now.

Mr. HUGHES. I understand.

Mr. STEWART. Nearly every State said that education is the area that is going to be strongest hit. There are very few States that have a mandatory requirement for an operator's license, and one of the things we stood up loud and clear for was educating the boater and this went far in reducing accidents and loss of lives.

Mr. HUGHES. That seems to be a matter which will hurt most. The area where we can reduce fatalities and property damage is the area that would probably receive less attention by the States. Why is that?

Mr. STEWART. I think they have a limited number of marine police or conservation officers—they are different names in different States. Their biggest priority is on the water. When the Federal act of 1971 came through with the money, many States developed correspondence course books. They taught boating safety in the schools and to any organized group that they could. The Boating Safety Act did a lot more. It brought out to the States that they needed this assistance and most of the States have beefed up their programs. I know in my particular State we introduced it twofold the minute the Boat Safety Act came through, even though we got only a small amount of funds. It did bring to our attention that our marine community is a community to be reckoned with and they need the services.

Many States came forth with a Model Boat Act. We strove for reciprocity. We did that so that boats crossing from one State to another wouldn't be required to have different types of equipment.

Mr. HUGHES. The boat safety program has been very successful in the Northeast, that is where I am from, probably one of the most successful aspects of the program.

Would you agree with that?

Mr. STEWART. Yes, sir. We think it is very successful.

Mr. HUGHES. In your survey of member States, did you determine how seriously the lack of Federal incentives and funds would impact with respect to States?

Mr. STEWART. I wish I had some of the reports that I have received so I could cite individual States. Minnesota was one of the States which indicated how they reduced accidents. It is by a large number. Most States are going to have to gear down basically on the amount of money they have been getting because the legislature, when we go before them, may feel that the Federal Government is backing out of the program, then they are going to think twice. I am not saying that they won't gear up. With their limited forces, I think they would all stand up and say "We will do the very best that we can with our resources."

Mr. HUGHES. Are there any States that you are aware of that would drop the program entirely?

Mr. STEWART. I don't know of any. I know some States like the District of Columbia here has picked up registering boats since this act came into effect. Whether they will continue that or not, I don't know.

Mr. HUGHES. But your survey indicated that your programs, without assistance, would be drastically reduced?

Mr. STEWART. Yes.

Mr. HUGHES. And most other States, including your own, would not be able to have the same programs on boating education?

Mr. STEWART. Yes. Using your words of, "Deleterious effects on the public," that is precisely what the Coast Guard and the Administrator have been saying for quite a few years. We realize the difficulty we are in. We need help from the Federal level.

Mr. HUGHES. I want to recognize our distinguished colleague from Delaware. You are very fortunate in having him in Congress. He does a good job of representing the people in Delaware.

Mr. Evans.

Mr. THOMAS EVANS. Thank you, Mr. Chairman, and welcome Mr. Stewart, my constituent and friend. I want to thank you all for your contribution to boating safety.

I would like to ask some of the same questions that we asked Admiral Thompson and your hope was more pragmatic. The Governor of Delaware set up a task force on marine recreation. Please summarize the finding, conclusions and recommendations of that task force in terms of the availability of launching ramps, overcrowded condition rampwise, to encourage public and private accessibility to marinas.

Mr. STEWART. Yes. The Governor had a conference on tourism and recreation and since tourism is the second largest industry, the people attending the conference are still working. There are 29,000 registered boats there, but there are another 39,000 or 40,000 that come to our State from New Jersey, Maryland, and Pennsylvania and the task force, as I said, is still working. We don't have the results from it, but areas that we were looking into included crowded conditions at launch ramps.

Problems in maintenance dredging in obtaining permits, finding spoil sites, et cetera.

Marine enforcement group understaffed.

Questions of marina development by private sector, and how the State could encourage that. The charter and headboat industry wants better road markers to their area and camping facilities nearby and that would induce more of the boating community to visit.

Fishing pier operations in the State, are present systems adequate, et cetera.

New sites for access ramps and the method of funding of new facilities.

They did come up with just a few preliminary reports. These are not final.

They should streamline the State's permit system by establishing one office to coordinate both the Federal and the State.

They should actively seek to speed up the permit system, the Federal permit review process by insisting on a joint monthly site visit by all involved Federal and State agencies.

They should develop an effective State program of incentives for private sector marina development.

They should produce a workable maintenance dredging plan which would include suitable spoil disposal sites. Dredging of recreational vessel waterways should be counted as a cost of doing business and must be done properly if the business is to thrive. They were looking into the areas of State marine fuel tax reverted to boating. Thirty States do. They are going to look into that.

Mr. HUGHES. I am at this time going to interrupt you. We have about 7 minutes to get to the floor for a vote. We will resume when we come back, at which time we will complete your testimony.

Also perhaps some of your colleagues would like to make some comments.

Mr. THOMAS EVANS. I would appreciate having a copy of that report and your recommendations because it does have a bearing on what we are going to do with this particular piece of legislation.

Mr. HUGHES. Without objection, we welcome that report.

The subcommittee stands in recess for 10 minutes.

[A recess was taken.]

Mr. BIAGGI [presiding]. The committee will please come to order.

Will Mr. Stewart, Mr. Rafter, and Mr. McGlynn come to the table?

I would like to take this occasion to apologize for my delay and for my absence. We had an emergency meeting of the Policy Steering Committee dealing with the energy problem as far as the President's comments are concerned and, thereafter, we had a series of votes which compelled my absence here. I am grateful to my colleague, Mr. Hughes, who chaired the meeting. I regret my absence. This is a bill that I feel very strongly about.

I anticipated some of your comments, but I would like to personally review them and analyze your position. I will read the record carefully. In my judgment, this legislation is very substantial legislation and it will give an added dimension to the boating industry. The feeling is shared by many that the recreational boating is regarded as an indulgence. It is more than that. It has developed into a big business as well as a very substantial portion of American life and it should be accorded all the respect that other components of American life are accorded.

I understand that we are now into a question period.

Recognizing that in many States recreational boating safety and facilities programs are administered by more than one agency or department, can you evaluate the lead agency concept utilized in this legislation as a coordination and implementation vehicle for State programs?

Mr. STEWART. On most of these questions, Mr. Chairman, as pertains to the boating facilities aspect of the bill, we were questioned indepth on the boating safety side of it before you returned. I have put out a questionnaire to the boating administrators in all the States asking them to work within their department and get their agencies to reply.

Just speaking with respect to my own State, we would have no problem. The lead agency is fish and wildlife. I would administer the boating safety side of it, but I could not speak with respect to the other States on the facility. I asked them that specific question and several of the others you have before you, but I have not gotten a response back from them yet.

Mr. BIAGGI. Do any of you other two gentlemen care to respond to that question?

Mr. RAFTER. No.

Mr. MCGLYNN. No.

Mr. BIAGGI. What other Federal programs to which States have been eligible in the past have been utilized by States for boating facilities assistance and development?

Mr. STEWART. Again, all these questions I had directed to the other States. In Delaware we have the Dingell-Johnson fund. It is the tax paid on fishing equipment. This money comes back to our State and most all of the access ramps that are administered by

that department are handled by that fund. I do know that there has recently been a State ramp built at the State park. It was done with water funds. I spoke to the manager who handled Dingell-Johnson and he could see no competition between Dingell-Johnson and this fund. There is just so much money available and he can get that without any interference with this bill or vice versa.

Mr. BIAGGI. He had enough funds from Dingell-Johnson?

Mr. STEWART. No; just that he wouldn't have any competition between these funds and the funds coming in if they were diverted from land and water.

Mr. BIAGGI. The next question is critical. What effect will anticipated cutbacks in some of these programs have at the State level?

Mr. STEWART. From the boating safety end of it, the boating administrators are speaking out loud and clear. At the Northeast meeting, the Southeastern States and the Western States have all sent a resolution to their Congressmen from their district with a copy to you indicating that education and safety patrols and equipment to carry out their program will be in jeopardy if these funds are curtailed.

Mr. BIAGGI. That seems to be in square conflict with the Coast Guard's position. They believe that with the cessation of the Federal funds that the States will continue their safety programs in the same fashion.

Mr. STEWART. Yes; they have said that. We are in disagreement with them on that particular subject and we are getting this from the boating administrators from each of the States who are telling us that when the Federal Boat Safety Act was passed, we figured it was a milestone for the boaters. In that act was boating funding. It was a shot in the arm. By the same token, boating is increasing so much every year and all the responsibilities that go with it and we just feel that from that we have come up with a Model State Boat Safety Act.

The States have come a long way. They have increased their number of patrols, but they have kind of reached their maximum, the smaller States especially like Delaware where we are surrounded by large States. Out-of-State boats are a far larger number than our registered boats within our State. We feel that we cannot discriminate by going and picking up a Delaware boater and not one from New Jersey. If a boater is in trouble, we feel we should respond to them and we do need the Federal funds. Without them, we are not going to have the program that we have now.

Mr. BIAGGI. My feeling in the light of real life experience is that once we stop the Federal grants, the State's interest will diminish.

Mr. STEWART. Yes, sir. We feel that way, too. We have said it and we have said it directly to the Coast Guard, and it is just my own personal feeling that the Coast Guard generally feels the same way, but they are in a spot where the program is being curtailed and whether they are saying what they have been told to say, I don't know.

Mr. BIAGGI. You mean that the Coast Guard didn't express its own, honest opinion?

Mr. STEWART. At the local level, we help a boat out that is in trouble. Whether we go or they go, we don't care. They generally

support us in the field, out on the waterfront and areas like that. They are saying something different now.

Last year, when you held your committee hearing, you had the preliminary draft that they had made up and this is made up by the experts within the Coast Guard and they used the words that we the States would be in dire straits and there would be a deleterious effect on boating if it didn't continue.

A little later on, they had to turn around and say something different.

Mr. BIAGGI. It is a revelation.

Mr. STEWART. Yes.

Mr. BIAGGI. You are president of the National Association of Boating Law Administrators.

Would you provide this committee with a State-by-State profile of State boating facilities programs, including a description of the various State and Federal funding sources utilized for this purpose?

Mr. STEWART. I don't have that at my disposal. I could get that for you, yes, sir.

Mr. BIAGGI. Very well.

[The following was received for the record.]

BOAT REGISTRATION

QUESTIONS	Alabama			Nevada		Arizona		Illinois	
	180,000	25,122	85,811	252,562					
Total Boats Registered on 31 December 1979									
1. Registration Fees:									
Under 16'	\$4.50	All boats \$5.00 per calendar year	All Boat Registrations \$2.00 each	All Registrations are \$2.00 for a 2-year period					
16' but less than 26'	\$6.50								
25' but less than 40'	\$12.50								
40' but less than 65'	N/A								
Over 65'	N/A								
Other lengths	Over 40' \$24.50								
2. Do you have a user tax on documented vessels?	No, they register the same as pleasure vessels	No	No	No					
3. (a) Do registration fees go into General Fund or are they dedicated to the Boating Safety Program?	Dedicated to the Boating Safety Program	Registration fees are dedicated to the boating safety program	Dedicated to boating safety	Deposited in the State Boating Fund					
(b) If registration fees are dedicated to the Boating Safety Program, what are the guidelines for expenditure?	In General to carry out the safety program with minor exceptions	For enforcement and administration as outlined in work program and approved budget	Can only be utilized for registration, enforcement and education	Budgeted for administrative costs, education, enforcement and engineering					

	Alabama	Nevada	Arizona	Illinois
4. (a) Does your State title boats?	No	Yes	No	No, however, have legislation pending in current general assembly
(b) If so, what is the cost to title boats?	N/A	\$5.00	N/A	Should law be passed it would be \$8.00 title fee
(c) If yes, does the title fee go into the General Fund or to administer the program?	N/A	To administer the program	N/A	If law is passed, the fee will go into the earmarked boating account fund
5. (a) Does your State have a property tax or other type of tax on boats?	No	There is a county personal property tax	Yes	No property tax, but do have a 5% sales tax. Same as all merchandise purchased in State
(b) If yes, is this money put in the General Fund or earmarked to the Boating Program?	N/A	The county general fund	Money is earmarked for the State improvement fund	
(c) If funds go into the Boating Program, how are they spent?	N/A	Not to the boating program	Funds are awarded to State, County and City agencies for development of boating facilities	
6. (a) Does any part of your State Marine Fuel Tax money revert to your Boating Program?	Yes, not less than thirty five one hundredths of one percent of all fuel sold is determined to be for marine purposes	Yes, number boats registered by 220.76 gallons per boat, plus 566.771 gallons per non-resident boats at \$.06 per gallon less 2% for gas dealer loss	Marine fuel taxes are used for lake development only	Yes, \$168,000 per month or \$2,016,000 per annum from motor fuel tax fund

	Alabama	Nevada	Arizona	Illinois
6. (b) Explain	60% of the marine fuel tax to the water safety fund. 40% to the seafood fund.	For improvement in boating and other outdoor recreation facilities associated with boating and administration and enforcement	Used for public launching ramps, piers, marinas, toilets, picnic tables, parking, lake construction and improvement, marking buoys, etc.	Exclusively for access areas
7. (a) Do you have a requirement for a boat operator's license?	No	No	No	No
(b) If yes, explain.	N/A	N/A	N/A	N/A
8. (a) Do you charge a fee at the State-owned ramps for use by out of State boats?	No	Yes	No	No
(b) For State-owned boats?	No	Yes	No	No
9. What is the name of your waterways enforcement officer?	Marine Police Officers	State Game Wardens	Sheriffs, Deputies, Wildlife Managers, State and National Parks Rangers	Conservation Police Officers
10. What Department, Division are the waterways enforcement officers assigned?	Department of Conservation and Natural Resources, Marine Police Division	Nevada Department of Fish and Game		
11. (a) Do your enforcement officers have full enforcement powers?	Yes	To enforce all fish, game and boating laws	Yes	Yes on State property

	Alabama	Nevada	Arizona	Illinois
11.(b) If no, explain what authority they have and what laws they enforce.	N/A	Fish, Game and Boating Laws	N/A	N/A
12. Are the waterway's enforcement officers under the Boating Law Administrator?	Yes	Yes	No	No, Chief of the Division of Law Enforcement
13.(a) What are the pay scales of your enforcement officers?	Marine Police Patrolman: \$507 - \$596 biweekly Marine Police Lieutenant: \$666.50 - \$657 biweekly Marine Police Captain: \$811 - \$717 biweekly Marine Police Major: \$857 - \$793.50 biweekly	Agent 1: \$11,059.09 - \$15,136.75 Agent 2: \$12,636.29 - \$17,357.54 year Regional Asst. Enforcement: \$13,824.65 - \$19,044.23 year Boating Staff Specialist: \$15,136.75 - \$20,901.72 year	Deputy Sheriffs: \$14,750 - \$19,200 year Wildlife Managers: \$11,355 - \$16,300 year Deputy Sheriff Sergeant: \$16,300 - \$21,600 year Wildlife Law Enforcement Specialist: \$15,100 - \$19,700 year	Conservation Police Officer: \$979 - \$1,270 month Sergeants: \$1,083 - \$1,417 month Lieutenants: \$1,209 - \$1,781 month Captains: \$1,357 - \$2,017 month
(b) Fringe benefits?	\$5.00 per day subsistence for every day of work	Paid annual leave, sick leave and nine authorized holidays	No housing or other fringe benefits	Uniforms, travel away from headquarters, and assigned vehicle
14. What is the salary of the Boating Law Administrator?	Range of: \$810.50 - \$1,049 biweekly	\$18,179.38 - \$25,204.04	\$13,900 - \$18,400	Chief Division Law Enforcement: \$1,731 - \$2,595 month Director: \$35,200 year
15. Do boat registrations come under the Boating Law Administrator?	Yes	Yes	Boat registrations are assigned to the fiscal branch	No, another Division

	Alabama	Nevada	Arizona	Illinois
15. Do enforcement officers wear side arms?	Yes	Yes	Yes	Yes
17.(a) Do enforcement officers have a vehicle assigned on a 24-hour basis?	Yes	Yes	Yes	Yes
17.(b) If limited use of State vehicle, explain.	None	N/A	N/A	N/A
18. Is there a mandatory training requirement for your officers?	Yes, 240 hours of formal police academy training and a minimum of 120 hours specialized training in boat handling and boating laws	Yes, peace officers standards training (P.O.S.T.) 120 hour course required	Yes, 400 hours law enforcement training to achieve State certification	Yes, 14 weeks at our own academy. First 6 months under Field Officer. Next 6 months under intensive supervision. Firearm training mandated by State law.
19. Who is the Boating Law Administrator's immediate supervisor?	The Commissioner of the Department of Conservation and Natural Resources	The Director of Nevada Department of Fish and Game	Chief of the Law Enforcement Division	Chief, Bureau of Natural Resources

QUESTIONS	Montana	West Virginia	Virgin Islands	Texas
Total Boats Registered on 31 December 1979	29,400	31,234	2,287	535,586
1. Registration Fees:				
Under 16'	\$1.00 decal fee for all boats	Under 3 h.p. free. 3 h.p. and over \$5.00 yearly	\$5.00 year	\$6.00 2 yrs.
16' but less than 26'			\$15.00 year	\$9.00 2 yrs.
26' but less than 40'			\$25.00 year	\$12.00 2 yrs.
40' but less than 65'			\$35.00 year	
Over 65'				
Other lengths				40' and over \$15.00 2 yrs.
2. Do you have a user tax on documented vessels?	No	No	No	No
3. (a) Do registration fees go into General Fund or are they dedicated to the Boating Safety Program?	Dedicated to Boating Safety Program	Boating Safety Program	Boating Safety Program	Special Boat Fund
(b) If registration fees are dedicated to the Boating Safety Program, what are the guidelines for expenditure?	Used for administration and enforcement	Education, Enforcement and Administration	Boating Safety related projects, education and maintenance of patrol equipment	Administer water safety laws, equipment, supplies, etc. Also, construction and maintenance of ramps

	Montana	West Virginia	Virgin Islands	Texas
4. (a) Does your State title boats?	No. Just certificate of number & identifying #	No	No	Yes
(b) If so, what is the cost to title boats?	Included in decal fee	N/A	N/A	\$3.50
(c) If yes, does the title fee go into the General Fund or to administer the program?	N/A	N/A	N/A	Used the same as registration fee
5. (a) Does your State have a property tax or other type of tax on boats?	Yes, property tax	Yes	No	Yes
(b) If yes, is this money put in the General Fund or earmarked to the Boating Program?	Goes to County General Fund	General County Fund	N/A	General Fund
(c) If funds go into the Boating Program, how are they spent?	N/A	N/A	N/A	
5. (a) Does any part of your State Marine Fuel tax money revert to your Boating Program?	Yes, .9 of 1%	No	No	Yes - 75% of unclaimed refunds on tax paid on motorboat fuel

7	Montana	West Virginia	Virgin Islands	Texas
6. (b) Explain	Park roads and use by Highway Department	N/A	N/A	Used for enforcement and acquiring land. NOTE: Remaining 25% goes to available school fund
7. (a) Do you have a requirement for a boat operator's license?	No	No	No	No
(b) If yes, explain.	N/A	N/A	N/A	N/A
8. (a) Do you charge a fee at the State-owned ramps for use by out of State boats?	Only for overnight camping	No	No	No
(b) For State-owned boats?	Only for overnight camping	No	No	No
9. What is the name of your waterways enforcement officer?	Conservation Officer	No specific designation	Game Warden	
10. What Department, Division are the waterways enforcement officers assigned?	Dept. of Fish & Wildlife and Parks Enforcement Division	Dept. Natural Resources Enforcement	Fish and Wildlife	Texas Parks and Wildlife Department, Law Enforcement Division
11. (a) Do your enforcement officers have full enforcement powers?	Yes	Yes	Yes	Yes

	Montana	West Virginia	Virgin Islands	Texas
11.(b) If no, explain what authority they have and what laws they enforce.	N/A	N/A	N/A	N/A
12. Are the waterway's enforcement officers under the Boating Law Administrator?	No	Yes	Yes	No, under the Director of Law Enforcement. B.L.A. is on Director's Staff
13.(a) What are the pay scales of your enforcement officers?	Probationary Warden: \$ 900 - \$1,042 monthly Regular Warden: \$1,078 - \$1,549 monthly Sergeant: \$1,287 - \$1,696 monthly Lieutenant: \$1,404 - \$1,848 monthly Captain: \$1,533 - \$2,016 monthly Asst. Administrator: \$1,673 - \$2,159 monthly Administrator: \$1,827 - \$2,401 monthly	C.O.S.: \$9,780 - \$15,936 Sergeant: \$10,788 - \$17,568 Lieutenant: \$11,892 - \$19,368 Captain: \$13,116 - \$21,360	Salary scale from \$12,057, \$11,515, \$10,999, \$10,507, \$9,593	Game Warden: \$13,464 - \$16,980 Sergeant Game Warden: \$15,372 - \$19,368 Lt. Game Warden: \$19,368 - \$22,092 Capt. Game Warden: \$22,092 - \$26,028 Major Game Warden: \$25,200 - \$31,704
(b) Fringe benefits?			Social Security, Workmen's Compensation and Retirement	Car, uniforms, boat, side arms
14. What is the salary of the Boating Law Administrator?	\$1,600 Monthly	9 Steps \$17,568 - \$28,620	10% of Director's Salary 10% of \$22,500=\$2,250	\$1,750 month
15. Do boat registrations come under the Boating Law Administrator?	No. By Department of Justice, Registrar's Bureau	No. Department of Motor Vehicles	Yes, under B.L.A.	No, Finance Division

	Montana	West Virginia	Virgin Islands	Texas
16. Do enforcement officers wear side arms?	Yes	Yes	Yes	Yes
17. (a) Do enforcement officers have a vehicle assigned on a 24-hour basis?	Yes	Yes	No	Yes
17. (b) If limited use of State vehicle, explain.	N/A	N/A	Vehicles are used as needed	N/A
18. Is there a mandatory training requirement for your officers?	Yes, Department Training when hired and at 1, 3 and 5 year intervals	Yes	6 weeks boating safety training, 2 weeks with local police	Yes, 4 months at Department owned Law Enforcement Academy
19. Who is the Boating Law Administrator's immediate supervisor?	Chief, Bureau of Safety and Training	Director, Department of Natural Resources	Commissioner of the Department of Conservation and Cultural Affairs	Director of Law Enforcement, Field Operations

QUESTIONS	Wyoming	North Dakota	Kansas	South Carolina
Total Boats Registered on 31 December 1979	15,857	23,960	76,068	168,948
1. Registration Fees:				
Under 16'	\$1.50	All boats are \$3.00 for 3 years	\$9.00 for 3 years, all power and sail boats	All boats \$5.00 for 3 years
16' but less than 25'	\$2.00			
25' but less than 40'	\$2.50			
40' but less than 65'	\$3.00			
Over 65'	\$3.00			
Other lengths				
2. Do you have a user tax on documented vessels?	No	No	No	No
3. (a) Do registration fees go into General Fund or are they dedicated to the Boating Safety Program?	General Fund	General Fund	Boating Fund	No - used primarily by the Registration and Titling Division
(b) If registration fees are dedicated to the Boating Safety Program, what are the guidelines for expenditure?	N/A	N/A	Law Enforcement Administration maintenance and construction of boating facilities	N/A

	Wyoming	North Dakota	Kansas	South Carolina
4. (a) Does your State title boats?	No	No	No	Yes
(b) If so, what is the cost to title boats?	N/A	N/A	N/A	\$3.00
(c) If yes, does the title fee go into the General Fund or to administer the program?	N/A	N/A	N/A	Used to administer the title program
5. (a) Does your State have a property tax or other type of tax on boats?	Yes	No	Property Tax	Yes
(b) If yes, is this money put in the General Fund or earmarked to the Boating Program?	Goes to County in which registered	N/A	Money goes to County Fund	Goes to various County Treasurers
(c) If funds go into the Boating Program, how are they spent?	N/A	N/A	N/A	N/A
6. (a) Does any part of your State Marine Fuel Tax money revert to your Boating Program?	No	No	No	Yes, one-half of one percent of all State Gasoline Tax

	Wyoming	North Dakota	Kansas	South Carolina
6.(b) Explain	N/A	N/A	N/A	Distributed to Counties based on number boats registered in each County
7.(a) Do you have a requirement for a boat operator's license?	No	No	No	No
(b) If yes, explain.	N/A	N/A	N/A	N/A
8.(a) Do you charge a fee at the State-owned ramps for use by out of State boats?	No	No	No	No
(b) For State-owned boats?	No	No	No	No
9. What is the name of your waterways enforcement officer?	Steve Smith	Game Wardens		Conservation Officer
10. What Department, Division are the waterways enforcement officers assigned?	Game Division	Enforcement Division of the State Game and Fish Department	Fish and Game Law Enforcement Division	S.C. Wildlife and Marine Resource Dept., Law Enforcement Division
11.(a) Do your enforcement officers have full enforcement powers?	No	Yes on all State-owned or managed lands	No	Yes

	Wyoming	North Dakota	Kansas	South Carolina
11. (b) If no, explain what authority they have and what laws they enforce.	Game, Fish, Boating Laws	N/A	Fish and Game and Boating Laws	N/A
12. Are the waterway's enforcement officers under the Boating Law Administrator?	No	No. Under the Enforcement Chief (Chief Game Warden)	Yes	No
13. (a) What are the pay scales of your enforcement officers?	See Question 14	Chief Warden: \$1,850 monthly District Warden Supervisor: \$1,300 monthly District Warden (after 5 yrs.): \$1,164 monthly District Warden (Starting): \$ 889 monthly	Game Protector I: \$10,648 - \$13,656 Game Protector II: \$11,172 - \$14,501 Game Protector III: \$12,228 - \$15,684 Safety Officer: \$12,228 - \$15,684 Assistant Chief: \$14,016 - \$18,036 Chief: \$16,116 - \$20,736	Conservation Officer: \$10,342 - \$14,273 P.F.C.: \$11,521 - \$15,919 Corporal: \$12,161 - \$16,901 Sergeant: \$13,537 - \$18,844 Lieutenant: \$15,074 - \$21,276 Captain: \$17,074 - \$24,273
(b) Fringe benefits?		Workmens Compensation Retirement, Medical Insurance, etc.		
14. What is the salary of the Boating Law Administrator?	\$14,556 - \$18,348 Yearly	\$1,917 monthly Boat Specialist: \$1,206 monthly	\$14,016 - \$18,036	\$21,000 - \$30,000
15. Do boat registrations come under the Boating Law Administrator?	No. Handled by License Section	No. Licensing Department	Another Section	No. Another Section

	Wyoming	North Dakota	Kansas	South Carolina
16. Do enforcement officers wear side arms?	Yes	No	Yes	Yes
17. (a) Do enforcement officers have a vehicle assigned on a 24-hour basis?	Yes	Yes, but to be used only while on duty	Yes	Yes
17. (b) If limited use of State vehicle, explain.	None	Official Use Only		
18. Is there a mandatory training requirement for your officers?	Yes, must be post certified peace officers	New officers must complete basic training course at the State Law Enforcement Training Center	Yes, 400 hours at State Law Enforcement Academy plus in-house training and 6 months probation	Yes, 10 weeks training at South Carolina Police Academy
19. Who is the Boating Law Administrator's immediate supervisor?	Assistant Chief Game Warden	Game and Fish Commissioner	Assistant Chief	Director, Boating and Law Enforcement Division

QUESTIONS	New Hampshire	Rhode Island	Virginia	Pennsylvania
Total Boats Registered on 31 December 1979	42,909	27,509	139,423	168,131
1. Registration Fees:				
Under 16'		Under 16' \$4.00 for 2 years Over 16' \$10.00 for 2 years	\$8.00 for 3 years for all boats	Up to 16' \$4.00 16' and over \$6.00
16' but less than 26'	16' & under \$8.00			
26' but less than 40'	16.1' to 21' \$13.00			
40' but less than 65'	21.1' to 30' \$18.00			
Over 65'	30.1' to 45' \$25.00			
Other lengths	45.1' and over \$33.00			
2. Do you have a user tax on documented vessels?	No	No	No	6% General Sales Tax
3. (a) Do registration fees go into General Fund or are they dedicated to the Boating Safety Program?	General Fund	General Fund	Boating Safety Program	Dedicated to Boating Program
(b) If registration fees are dedicated to the Boating Safety Program, what are the guidelines for expenditure?	N/A	N/A	Administration and Enforcement of Program	Education, Law Enforcement, Registration, Administration, Aids to Navigation, Acquisition, Construction and Maintenance of Facilities, Patrolling of Boating Waters

	New Hampshire	Rhode Island	Virginia	Pennsylvania
4. (a) Does your State title boats?	No	No	No	No
(b) If so, what is the cost to title boats?	N/A	N/A	N/A	N/A
(c) If yes, does the title fee go into the General Fund or to administer the program?	N/A	N/A	N/A	N/A
5. (a) Does your State have a property tax or other type of tax on boats?	Property Tax is returned to Town	No State Tax. Two towns have tax on boats within their jurisdiction	No	Yes, 6% Sales Tax
(b) If yes, is this money put in the General Fund or earmarked to the Boating Program?	N/A	N/A	N/A	General Fund
(c) If funds go into the Boating Program, how are they spent?	N/A	N/A	N/A	N/A
6. (a) Does any part of your State Marine Fuel Tax money revert to your Boating Program?	No	No	Yes	Yes

	New Hampshire	Rhode Island	Virginia	Pennsylvania
6. (b) Explain	N/A	N/A	Used by Boating Safety Program	Waterways Improvement, Administration, etc.
7. (a) Do you have a requirement for a boat operator's license?	No	No	No	No
(b) If yes, explain.	N/A	N/A	N/A	N/A
8. (a) Do you charge a fee at the State-owned ramps for use by out of State boats?	No	No	No	No
(b) For State-owned boats?	No	No	No	No
9. What is the name of your waterways enforcement officer?	Boat Inspector	Boating Safety Officer	Game Wardens	Waterways Patrolman
10. What Department, Division are the waterways enforcement officers assigned?	Department of Safety, Division of Safety Services	Department of Environmental Management, Division of Boating Safety	Law Enforcement Division	Pennsylvania Fish Commission, Bureau of Waterways, Law Enforcement Division
11. (a) Do your enforcement officers have full enforcement powers?	No	No	Yes	No

	New Hampshire	Rhode Island	Virginia	Pennsylvania
11. (b) If no, explain what authority they have and what laws they enforce.	Power to Enforce Boating Laws only	Enforce only Boating Laws	N/A	Authority to Enforce Fish, Boat and Game Laws
12. Are the Waterway's enforcement officers under the Boating Law Administrator?	Yes	Yes	Indirectly	Yes
13. (a) What are the pay scales of your enforcement officers?	Boat Inspector: \$3.70 per hour Deputy Chief Inspector: \$3.98 per hour Chief Inspector: \$4.29 per hour	Boating Safety Captain: \$14,218 - \$16,692 Boating Safety Lieutenant: \$11,742 - \$13,612 Boating Safety Officer: \$11,346 - \$12,849	Game Warden A: \$10,032 year Game Warden B: \$10,512 - \$13,128 Game Warden C & Pilot: \$11,472 - \$14,328 Game Warden Asst. Supervisor: \$12,528 - \$16,400 Game Warden Supervisor: \$13,128 - \$17,900 Game Law Enforcement Asst. Chief: \$15,675 - \$20,500 Game Warden Law Enforcement Chief: \$17,900 - \$23,400	Waterways Patrolman: \$493 - \$628 Biweekly Dental, Optical, Office Rental and Hospitalization
(b) Fringe benefits?		10 Paid holidays, 18 paid sick leave days, 3 paid personal days, paid Blue Cross, 13-22 paid vacation days		
14. What is the salary of the Boating Law Administrator?	\$20,000 year	\$18,751	\$32,000	\$22,338 - \$29,027 Annual
15. Do boat registrations come under the Boating Law Administrator?	Registrations are under Motor Vehicle	Yes, Boating Administrator	No	Yes

	New Hampshire	Rhode Island	Virginia	Pennsylvania
16. Do enforcement officers wear side arms?	No	Yes	Yes	Yes
17. (a) Do enforcement officers have a vehicle assigned on a 24-hour basis?	No	No	Yes	Yes
17. (b) If limited use of State vehicle, explain.	N/A	Use in the performance of their duty	N/A	Official Fish Commission purposes
18. Is there a mandatory training requirement for your officers?	Yearly seminar and field training with an experienced inspector	12 weeks at State Municipal Police Academy, Boating Safety School and annual refresher course in boating safety	3 weeks basic training and 7 weeks police basic school	None mandated by State Law. Inhouse training and boating safety training plus specialized courses
19. Who is the Boating Law Administrator's immediate supervisor?	Director, Division of Safety Services	Assistant Director of Operations	Chairman of the Commission of Game and Inland Fisheries	Mr. Ralph W. Abala, Executive Director, Pennsylvania Fish Commission

QUESTIONS	District of Columbia	Colorado	Delaware	Tennessee
Total Seats Registered on 31 December 1979	4,052	48,611	29,103	215,292
1. Registration Fees:				
Under 16'			\$5.00	1 yr. 2 yr. 3 yr. \$4.00 \$7.00 \$10.00
16' but less than 26'			\$10.00	\$8.00 \$14.00 \$20.00
26' but less than 40'			\$15.00	\$12.00 \$21.00 \$30.00
40' but less than 65'			\$25.00	
Over 65'			\$30.00	
Other lengths	Non-power \$2.00 With Power \$10.00	\$5.00 regardless of class of horsepower		(40' or over) \$16.00 \$28.00 \$40.00
2. Do you have a user tax on documented vessels?	No	No	No	No tax, but must register same as recreational boats.
3. (a) Do registration fees go into General Fund or are they dedicated to the Boating Safety Program?	General Fund	Boat Registration fees go to Parks General Fund	General Fund	Dedicated to Boating Fund
(b) If registration fees are dedicated to the Boating Safety Program, what are the guidelines for expenditure?	N/A	N/A	N/A	No restrictions, but do set priorities regarding programs.

	District of Columbia	Colorado	Delaware	Tennessee
4. (a) Does your State title boats?	No	No	No	No
(b) If so, what is the cost to title boats?	N/A	N/A	N/A	N/A
(c) If yes, does the title fee go into the General Fund or to administer the program?	N/A	N/A	N/A	N/A
5. (a) Does your State have a property tax or other type of tax on boats?	.05% Sales Tax	No	No	Sales Tax. None is returned to the boating program.
(b) If yes, is this money put in the General Fund or earmarked to the Boating Program?	General Fund	N/A	N/A	N/A
(c) If funds go into the Boating Program, how are they spent?		N/A	N/A	N/A
6. (a) Does any part of your State Marine Fuel Tax money revert to your Boating Program?	No	No	No	No

	District of Columbia	Colorado	Delaware	Tennessee
6. (b) Explain	N/A	N/A	N/A	N/A
7. (a) Do you have a requirement for a boat operator's license?	No	No	No	No
(b) If yes, explain.	N/A	N/A	N/A	N/A
8. (a) Do you charge a fee at the State-owned ramps for use by out of State boats?	No	No	Yes, \$10.00 a year	No
(b) For State-Owned boats?	N/A	No	No, part of fee included in boat registration	No
9. What is the name of your waterways enforcement officer?	Metropolitan Police Officers	State Park Rangers & Wildlife Conservation Officers	Marine Police Officers	Wildlife Officer
10. What Department, Division are the waterways enforcement officers assigned?	Metropolitan Police Dept., Special Operations and Traffic Division, Harbor Branch	Colorado Division of Parks & Recreation, Colorado Division of Wildlife	Division of Fish & Wildlife, Dept. of Natural Resources & Environmental Control	Law Enforcement Division, Tennessee Wildlife Resources Agency
11. (a) Do your enforcement officers have full enforcement powers?	Yes	Yes, except for County and City Boating Officers	Yes, but only for boating and Department Laws	No

	District of Columbia	Colorado	Delaware	Tennessee
11. (b) If no, explain what authority they have and what laws they enforce.	N/A	N/A	N/A	Boating Laws, State Regulations, Wildlife and Litter Laws
12. Are the Waterway's enforcement officers under the Boating Law Administrator?	Yes	No	Yes	No
13. (a) What are the pay scales of your enforcement officers?	Class I: \$14,568 - \$20,237 Yr. Class 2: \$16,597 - \$22,709 Yr. Class 3: \$18,197 - \$23,656 Yr. Class 4: \$19,772 - \$24,717 Yr.	\$884.00 to \$1,750.00 Month MPO I: \$8,990.64 - \$13,165.92 Yr. MPO II: \$10,393.68 - \$15,541.20 Yr. MPO III: \$12,413.28 - \$18,506.88 Yr.	Wildlife Officer: \$ 841 - \$1,170 month Assistant Area Supervisor: \$ 960 - \$1,308 month Area Supervisor: \$1,125 - \$1,508 month	
(b) Fringe benefits?	None	Workman's Compensation, Retirement, Sick & Vacation leave, Uniforms	Uniforms, Equipment and Travel Expense	
14. What is the salary of the Boating Law Administrator?	\$27,427.00 + 2,285.00 = \$30,712.00	No set salary. Present BLA \$1,750 month; Past BLA \$2,185.00 month	\$14,799.84 - \$22,214.16	\$3,195.00 a month
15. Do boat registrations come under the Boating Law Administrator?	Yes	No, to Business Management Section	Yes	Yes, but direct supervision is under the Boating Coordinator who comes under the Boating Law Administrator

	District of Columbia	Colorado	Delaware	Tennessee
16. Do enforcement officers wear side arms?	Yes	State Park Rangers, Mandatory. Wildlife Conservation Officers, optional; Other Boating Officers, no	Yes	Yes
17.(a) Do enforcement officers have a vehicle assigned on a 24-hour basis?	No	Wildlife Officers, yes; Rangers, some yes; most no. Others probably no.	Yes	Yes, however, some officers use personal car and are reimbursed
17.(b) If limited use of State vehicle, explain.	Dept. Vehicles are available as needed		N/A	Used for official business
18. Is there a mandatory training requirement for your officers?	16 weeks, plus training at NBSS Yorktown, VA. All are survival swimmers	Yes, Rangers 7 weeks. Wildlife Officers 32 weeks. Others unknown	10 weeks State Police Academy plus in-house training. Some to NBSS	Yes, at the State Law Enforcement Training Academy
19. Who is the Boating Law Administrator's immediate supervisor?	Deputy Chief of Police in command of Special Operations Division	Chief Law Enforcement Officer, Division of Parks & Outdoor Recreation	Director, Division of Fish and Wildlife	He is responsible to a 10 man commission which sets policies for the agency

QUESTIONS	Missouri
Total Boats Registered on 31 December 1979	177,872
1. Registration Fees: Under 16'	\$5.00 for a 3 year period regardless of length
16' but less than 26'	
26' but less than 40'	
40' but less than 65'	
Over 65'	
Other lengths	
2. Do you have a user tax on documented vessels?	No
3. (a) Do registration fees go into General Fund or are they dedicated to the Boating Safety Program?	General Revenue Fund
(b) If registration fees are dedicated to the Boating Safety Program, what are the guidelines for expenditure?	N/A

	Missouri						
4. (a) Does your State title boats?	Yes						
(b) If so, what is the cost to title boats?	Cost included in cost of registration						
(c) If yes, does the title fee go into the General Fund or to administer the program?							
5. (a) Does your State have a property tax or other type of tax on boats?	Yes						
(b) If yes, is this money put in the General Fund or earmarked to the Boating Program?	General Fund						
(c) If funds go into the Boating Program, how are they spent?							
6. (a) Does any part of your State Marine Fuel tax money revert to your Boating Program?	No						

6. (b) Explain	N/A	Missouri
7. (a) Do you have a requirement for a boat operator's license?	No, minimum age to operate a boat is 12	
(b) If yes, explain.	N/A	
8. (a) Do you charge a fee at the State-owned ramps for use by out of State boats?	No	
(b) For State-owned boats?	No	
9. What is the name of your waterways enforcement officer?	Water Safety Officer 1, 2 and 3 and Water Safety Supervisor 1 and 2	
10. What Department, Division are the waterways enforcement officers assigned?	Department of Public Safety, Division of Water Safety	
11. (a) Do your enforcement officers have full enforcement powers?	Yes, except for search and seizure	

	Missouri	
11.(b) If no, explain what authority they have and what laws they enforce.	N/A	
12. Are the waterway's enforcement officers under the Boating Law Administrator?	Yes	
13. (a) What are the pay scales of your enforcement officers?	W.S. Officer 1: \$10,980 - \$14,266 W.S. Officer 2: \$11,460 - \$14,892 W.S. Officer 3: \$12,492 - \$16,272 W.S. Supervisor 1: \$13,362 - \$17,808 W.S. Supervisor 2: \$15,564 - \$20,388	
(b) Fringe benefits?		
14. What is the salary of the Boating Law Administrator?		
15. Do boat registrations come under the Boating Law Administrator?	No, Department of Revenue	

Missouri					
16. Do enforcement officers wear side arms?	Yes				
17. (a) Do enforcement officers have a vehicle assigned on a 24-hour basis?		No, just their personals cars. Equipped with radio and trailer hitch. Mileage paid by Division			
17. (b) If limited use of State vehicle, explain.					
18. Is there a mandatory training requirement for your officers?				Yes, 4 months at Missouri State Water and Highway Patrol. Plus other training	
19. Who is the Bosting Law Administrator's immediate supervisor?					Director, Department of Public Safety. B.L.A. appointed by Governor with Senate Confirmation required.

QUESTIONS	Mississippi	Maryland	Oregon	Oklahoma
Total Boats Registered on 31 December 1979	95,521	131,206	124,069	158,000
1. Registration Fees:	\$2.50 for all boats for a 2 year period	\$5.00 annually for all boats 16' or less and powered by a 7½ h.p. or less which is free	Under 12' \$6.00 2 yrs 12' to 15' 9" \$12 16' to 20' \$16 20' and over \$16 plus \$2.00 a foot	Fees vary and are administered by the Tax Commission (no information provided)
Under 16'				
16' but less than 26'				
26' but less than 40'				
40' but less than 65'				
Over 65'				
Other lengths				
2. Do you have a user tax on documented vessels?	Not that they know of	No	No	No
3. (a) Do registration fees go into General Fund or are they dedicated to the Boating Safety Program?	Boating Improvement Fund	Dedicated to the Boating Safety Fund	Funds go to Dept. of Motor Vehicle and used for highway and related functions	Funds go back to the individual counties and schools
(b) If registration fees are dedicated to the Boating Safety Program, what are the guidelines for expenditure?	Sent to State Treasurer each month and expenditures go through State Auditor	Education, Law Enforcement	N/A	No

	Mississippi	Maryland	Oregon	Oklahoma
4. (a) Does your State title boats?	No	Yes	Yes	Yes
(b) If so, what is the cost to title boats?	N/A	\$1.49	\$2.00	Administered by the Tax Division (no information provided)
(c) If yes, does the title fee go into the General Fund or to administer the program?	N/A	To administer the program	Funds are retained by the Marine Board	No information provided
5. (a) Does your State have a property tax or other type of tax on boats?	5% Sales Tax	Title Tax in lieu of Sales Tax	No	Registration fee based on cost of boat
(b) If yes, is this money put in the General Fund or earmarked to the Boating Program?	General Fund	Tax is dedicated	N/A	Dedicated to boating safety fund
(c) If funds go into the Boating Program, how are they spent?	N/A	Waterways improvement and to boating safety education	N/A	None
6. (a) Does any part of your State Marine Fuel Tax money revert to your Boating Program?	Yes	Yes	No. Has getting some transferred from Highways, but this is being stopped	No

	Mississippi	Maryland	Oregon	Oklahoma
6. (b) Explain	Used for Boating Improvement Fund	For Boating Safety Use (3/8 of 1%)	N/A	None
7. (a) Do you have a requirement for a boat operator's license?	No	No	Only on commercial boats carrying passengers for hire on non-navigable waters	No
(b) If yes, explain.	N/A	N/A	N/A	None
8. (a) Do you charge a fee at the State-owned ramps for use by out of State boats?	Yes	No	No	No
(b) For State-owned boats?	Yes	No	No	No
9. What is the name of your waterways enforcement officer?	Water Patrolman 1 Water Patrolman 2	Natural Resources Police Officer		Water Safety Enforcement Officers and State Troopers
10. What Department, Division are the waterways enforcement officers assigned?	Mississippi Boat and Water Safety Commission	Under the Superintendent of Natural Resources Police, Department of Natural Resources	County Sheriffs and State Police	Oklahoma Highway Patrol, Lake Patrol Division
11. (a) Do your enforcement officers have full enforcement powers?	Yes	Yes	Yes	Yes

	Mississippi	Maryland	Oregon	Oklahoma
11.(b) If no, explain what authority they have and what laws they enforce.	N/A	N/A	N/A	N/A
12. Are the waterway's enforcement officers under the Boating Law Administrator?	Yes	Yes	No	Yes
13.(a) What are the pay scales of your enforcement officers?	Water Patrolman 1: \$735 - \$1,165 month Water Patrolman 2: \$605 - \$1,285 month	Officer 1: \$11,600 Officer 2: \$13,107 - \$15,322 Officer 3: \$14,950 - \$16,491 Corporal: \$13,534 - \$17,764 Sergeant: \$14,571 - \$19,133 Lieutenant: \$15,692 - \$20,611 Captain: \$16,901 - \$22,205 Major: \$18,208 - \$23,915 Chief Deputy Superintendent: \$21,189 - \$27,832	Not Available Varies too widely with individual counties	Starting: \$6,000 - \$10,440 year \$605 - \$935 month
(b) Fringe benefits?	None		N/A	
14. What is the salary of the Boating Law Administrator?	\$19,140 yearly	\$35,061 yearly	\$2,454 month	\$9,900 - \$15,540 year
15. Do Boat registrations come under the Boating Law Administrator?	Yes	No. Licensing and Consumer Services	No. Marine Board	No. Oklahoma Tax Commission

	Mississippi	Maryland	Oregon	Oklahoma
16. Do enforcement officers wear side arms?	Yes	Yes	Yes	Yes
17. (a) Do enforcement officers have a vehicle assigned on a 24-hour basis?	Yes	No, not all officers	No	Yes
17. (b) If limited use of state vehicle, explain.	N/A	Boat crews use their own vehicle to and from their boat. Used on official business they get .14¢ a mile	N/A	Official duties only
18. Is there a mandatory training requirement for your officers?	Yes, 10 weeks at Mississippi Law Enforcement Academy. Also NBSS for 2 weeks	Yes, graduation from Academy	Each Marine Deputy must be certified	Yes, 200 hours basic police course
19. Who is the Boating Law Administrator's immediate supervisor?	Five Commission Board and the Governor of the State	Secretary, Department of Natural Resources	The Marine Board, composed of five citizens	Division Captain

QUESTIONS	Florida	Utah	Ohio	New Jersey
Total Boats Registered on 31 December 1979	459,623	41,615	263,366	119,000
1. Registration Fees:				
Under 16'	Less than 12' \$2.00 12' to 16' \$6.00	All boats \$5.00 a year	Hand powered \$7.50 year	\$ 4.00
16' but less than 26'	\$11.00			\$10.00
26' but less than 40'	\$31.00		\$10.00 year	\$20.00
40' but less than 65'	\$51.00			\$30.00
Over 65'	65' to 110' \$61.00 Over 110' \$76.00			\$100.00
Other lengths			26' and over \$15.00 year Effective January 1980	
2. Do you have a user tax on documented vessels?	Yes, same as registration fee	Yes, they pay registration fee and property tax, but do not display numbers	No	No
3. (a) Do registration fees go into General Fund or are they dedicated to the Boating Safety Program?	Dedicated to boating safety program and other boating related programs	Go into a restricted boating account in the General Fund	Waterways safety fund for boating related expenditures	Dedicated Fund
(b) If registration fees are dedicated to the Boating Safety Program, what are the guidelines for expenditure?	Same as 3(a)	Operations and maintenance general account which encompasses the boating safety program	N/A	Pay registration cost, support boating safety enforcement, education and improve waterways

	Florida	Utah	Ohio	New Jersey
4. (a) Does your State title boats?	Yes	No	Yes	No
(b) If so, what is the cost to title boats?	\$2.00	N/A	\$1.50	N/A
(c) If yes, does the title fee go into the General Fund or to administer the program?	Same as registration fees	N/A	Part to administer program, the remainder to the Division of Watercraft	N/A
5. (a) Does your State have a property tax or other type of tax on boats?	No	Yes	4% Sales Tax	5% Sales Tax
(b) If yes, is this money put in the General Fund or earmarked to the Boating Program?	N/A	County General Fund	General Fund	General Fund
(c) If funds go into the Boating Program, how are they spent?	No	N/A	N/A	N/A
6. (a) Does any part of your State Marine Fuel tax money revert to your Boating Program?	No	Yes, State tax on approximately 145 gallons per year per registered motorboat	.05% of State tax on gasoline is deposited in the waterways safety fund	No

	Florida	Utah	Ohio	New Jersey
6.(b) Explain	N/A			N/A
7.(a) Do you have a requirement for a boat operator's license?	No	No	No	Yes, on nontidal waters
(b) If yes, explain.	N/A	N/A	N/A	N/A
8.(a) Do you charge a fee at the State-owned ramps for use by out of State boats?	No	No, but a daily use fee of \$1.00 a vehicle is charged at the more developed ramps	No	Some, but not all
(b) For State-owned boats?	No	Same as 8(a)	No	Same as 8(a)
9. What is the name of your waterways enforcement officer?	Marine Patrol	Park Ranger	Watercraft Officer	Marine Police Officer
10. What Department, Division are the waterways enforcement officers assigned?	Department of Natural Resources, Division of Law Enforcement	Division of Parks and Recreation	Division of Watercraft in the Department of Natural Resources	Bureau of Marine Law Enforcement, Division of Marine Services, Department of Environmental Protection
11.(a) Do your enforcement officers have full enforcement powers?	Yes	Yes, for those who have completed the required peace officer training	No	Yes

	Florida	Utah	Ohio	New Jersey
11. (b) If no, explain what authority they have and what laws they enforce.	N/A	Others have authority to enforce Park, Boating, Snowmobile and O.R.V. laws only	Yes, when enforcing boating laws	N/A
12. Are the waterway's enforcement officers under the Boating Law Administrator?	No	No	Yes	Yes
13. (a) What are the pay scales of your enforcement officers?	Marine Patrol: \$399.14 - \$1276.24 month Marine Patrol Sergeant: \$1184.44 - \$1505.92 month Marine Patrol Sec. Lt.: \$1284.94 - \$1690.36 month Marine Patrol Captain I: \$1438.06 - \$1907.86 month	Pay Grade 17: \$1,001 - \$1,461 month Pay Grade 18: \$1,106 - \$1,616 month Pay Grade 21: \$1,231 - \$1,799 month Pay Grade 23: \$1,390 - \$2,029 month	Watercraft Officer I: \$10,338 year Watercraft Officer II: \$11,149 year Watercraft District Supervisor: \$12,043 year	Marine Police Officer: \$10,823 - \$14,612 year Sergeant: \$11,933 - \$16,108 year Lieutenant: \$13,156 - \$17,763 year
(b) Fringe benefits?		Social Security and retirement program help on accident and health premiums		Hospitalization, prescription drugs, retirement and clothing allowance
14. What is the salary of the Boating Law Administrator?	\$1,523.32 - \$2,027.92 month	\$1,390 - \$2,029 month	\$21,133 year	
15. Do boat registrations come under the Boating Law Administrator?	No, under the Bureau of License and Boat Registrations	No, administration Section	Boating Administrator	No, Division of Motor Vehicles with liaison by the Boating Administrator

	Florida	Utah	Ohio	New Jersey
16. Do enforcement officers wear side arms?	Yes	No	No	Yes
17. (a) Do enforcement officers have a vehicle assigned on a 24-hour basis?	Yes	Some do, depending on assignment	5 State vehicles for each 7 officers	No
17. (b) If limited use of State vehicle, explain.	N/A		Official use only. To and from home so officer is on call	Officers operate from 8 Marine Police stations and all vehicles are assigned to the stations
18. Is there a mandatory training requirement for your officers?	Yes, 320 hours of minimum training	Mandatory training program being considered	Yes, 320 hours Ohio Peace Officers Training course with extra training in boating	Yes, 12 weeks resident Marine Police training course at the New Jersey Marine Police Academy
19. Who is the Boating Law Administrator's immediate supervisor?	Director, Division of Law Enforcement	Operations Chief	Director, Department of Natural Resources	The Director, Division of Marine Services

QUESTIONS	Wisconsin	Idaho	California	Nebraska
Total Boats Registered on 31 December 1979	282,321	Idaho does not have a Boating Law Administrator. Enforcement is the responsibility of the County Sheriffs, together with State Department of Law Enforcement. Mr. R. P. Peterson, Deputy Director of Parks and Recreation was named Idaho Boat Safety Coordinator to administer the Coast Guard Boat Safety Grant. Did not receive answers to questionnaire only a copy of Idaho's Boating Laws.	551,298	42,735
1. Registration Fees:			\$5.00 fee for all powerboats and sailboats over 8'	\$17.00
Under 16'				
16' but less than 26'				\$32.00
26' but less than 40'				\$47.00
40' but less than 65'				
Over 65'				
Other lengths				40' and over \$74.00
2. Do you have a user tax on documented vessels?	No		Upon transfer, all vessels except commercial boats valued at \$400 are charged a 6% use tax both pleasure and documented	No
3.(a) Do registration fees go into General Fund or are they dedicated to the Boating Safety Program?	Dedicated		Dedicated to Harbor and Watercraft revolving fund	Boating Program
(b) If registration fees are dedicated to the Boating Safety Program, what are the guidelines for expenditure?	Enforcement, Education Information, Aids, Regulations		Support of Boat Registration, Law Enforcement, Boat Facilities, boating safety and boat registrations	Boating Safety, Education and some facility construction

	Wisconsin	Idaho	California	Nebraska
4. (a) Does your State title boats?	No	See Front	Yes	No
(b) If so, what is the cost to title boats?	N/A		Included in registration fees	N/A
(c) If yes, does the title fee go into the General Fund or to administer the program?	N/A		Support registration program, law enforcement, boating facilities development, boating safety.	N/A
5. (a) Does your State have a property tax or other type of tax on boats?	Yes, 4%		Yes on vessels valued at \$400 or more	Yes
(b) If yes, is this money put in the General Fund or earmarked to the Boating Program?	General Fund		Generally to the counties for boating safety and enforcement.	General Fund
(c) If funds go into the Boating Program, how are they spent?			Same as 5(b)	N/A
6. (a) Does any part of your State Marine Fuel tax money revert to your Boating Program?	No		Yes, \$.07 per gallon is transferred to the Harbors and Watercraft revolving fund	No

	Wisconsin	Idaho	California	Nebraska
6. (b) Explain	N/A	See Front		N/A
7. (a) Do you have a requirement for a boat operator's license?	No		No	No
(b) If yes, explain.			N/A	N/A
8. (a) Do you charge a fee at the State-owned ramps for use by out of State boats?	No		No	No
(b) For State-owned boats?	No		No	No
9. What is the name of your waterways enforcement officer?			No law enforcement officers assigned	
10. What Department, Division are the waterways enforcement officers assigned?	Department of Natural Resources		Boating Law Enforcement is conducted by local authorities	Yes
11. (a) Do your enforcement officers have full enforcement powers?	No		Sheriffs and Deputy Sheriffs yes. Some entities such as Harbor Districts and Parks and Recreation Departments do not.	Yes

	Wisconsin	Idaho	California	Nebraska
11. (b) If no, explain what authority they have and what laws they enforce.	Water & Resource	See Front	N/A	N/A
12. Are the waterway's enforcement officers under the Boating Law Administrator?	No		No, see item 10	No
13. (e) What are the pay scales of your enforcement officers?	\$9,000 - \$18,000		Salaries differ throughout the State because of the many enforcement agencies involved.	Conservation Officer: \$1,009.92 - \$1,137.50 monthly Conservation Supervisor: \$1,135.75 - \$1,64.08 monthly
(b) Fringe benefits?			N/A	N/A
14. What is the salary of the Boating Law Administrator?	\$21,000		\$33,966	\$1,070 - \$1,472 monthly
15. Do boat registrations come under the Boating Law Administrator?	No, Registration Section		No, handled by the Motor Vehicle Department	B.L.A. works with Budget and Fiscal Division

	Wisconsin	Idaho	California	Nebraska
16. Do enforcement officers wear side arms?	Yes	See Front	Most do	Yes
17. (a) Do enforcement officers have a vehicle assigned on a 24-hour basis?	Yes		Most do not	Yes
17. (b) If limited use of State vehicle, explain.	Budget		N/A	N/A
18. Is there a mandatory training requirement for your officers?	Yes, 320 hours		No. However Department sponsors four 40 hour boating safety courses. Not mandatory	Yes, graduates from the Nebraska Law Enforcement Training Center
19. Who is the Boating Law Administrator's immediate supervisor?	Director of Bureau of Enforcement		To the Governor through the Secretary for Resources	Chief, Outdoor Education Division

ESTIMATED FUNDS AVAILABLE TO STATES UNDER H.R. 4310.
RECREATIONAL BOATING SAFETY AND FACILITIES IMPROVEMENT ACT OF 1979

Total Boats Numbered	State Funding For Boating Safety Programs				Boating Safety Programs			Recreational Boating Facilities			TOTAL	
	1978		1976 est.		Factor 1 ^{1/2}	Factor 2 ^{2/2}	Factor 3 ^{3/2}	TOTAL		Factor 4 ^{4/2}		Factor 5 ^{5/2}
	Amount	% of Total	Amount	% of Total								
Total U.S.	8,034,905	100%	\$36,731,755	100%	3,333,333	3,333,333	3,333,333	10,000,000	6,466,667	13,333,333	20,000,000	30,000,000
Alabama	178,259	2.22	\$ 1,264,454	3.44	60,606	74,000	114,467	242,273	121,212	296,000	417,212	659,485
Alaska	31,003	.39	—	—	—	13,000	—	73,606	—	52,000	173,212	246,818
Arizona	85,811	1.07	220,527	.60	—	35,467	20,000	116,273	—	142,667	263,879	380,152
Arkansas	206,287	2.54	198,602	.54	—	84,667	18,000	163,273	—	338,667	459,879	623,152
California	548,880	6.83	3,400,850	9.28	—	227,467	308,467	596,940	—	910,467	1,031,879	1,628,819
Colorado	48,617	.61	150,400	.41	—	20,333	13,467	94,606	—	81,333	202,545	297,151
Connecticut	47,798	.64	408,876	1.11	—	28,000	37,000	125,406	—	112,000	233,212	358,818
Delaware	29,103	.36	225,795	.61	—	12,000	20,333	92,939	—	48,000	169,212	262,151
District of Columbia	4,250	.05	863,927	2.35	—	1,667	82,333	124,606	—	6,467	127,879	252,485
Florida	459,623	5.72	1,641,677	4.52	—	150,467	159,467	361,940	—	762,667	881,879	1,245,819
Georgia	189,387	2.36	187,187	.51	—	78,667	17,000	156,273	—	314,667	435,879	592,152
Hawaii	13,695	.17	108,593	.30	—	5,667	10,000	76,273	—	22,467	140,750	230,152
Idaho	56,608	.70	72,010	.20	—	23,333	6,467	90,606	—	93,333	214,545	305,151
Illinois	252,562	3.14	512,018	1.39	—	104,667	46,333	211,406	—	418,667	539,879	751,485
Indiana	163,926	2.04	509,566	1.39	—	68,000	46,333	174,939	—	272,000	391,212	568,151
Iowa	177,761	2.21	719,070	1.96	—	73,667	65,333	199,406	—	294,667	415,879	615,485
Kansas	76,068	.95	233,667	.64	—	31,667	7,667	99,940	—	126,667	267,879	367,819
Kentucky	108,503	1.35	572,667	1.56	—	45,000	52,000	157,406	—	180,000	301,212	458,818
Louisiana	281,529	3.50	781,391	2.13	—	11,667	71,000	143,273	—	446,667	587,879	731,152
Maine	114,403	1.42	175,014	.48	—	47,333	16,000	123,939	—	189,333	210,545	338,818
Maryland	131,206	1.63	3,475,902	9.46	—	54,333	315,333	430,272	—	217,333	336,545	768,817
Massachusetts	172,113	2.14	567,555	1.49	—	71,333	49,467	181,006	—	285,333	406,545	588,151
Michigan	469,321	5.84	2,234,677	6.08	—	194,667	202,000	457,273	—	778,667	899,879	1,357,152
Minnesota	541,202	6.74	1,792,185	3.52	—	224,667	117,333	402,606	—	898,667	1,019,879	1,422,485
Mississippi	95,407	1.19	414,239	1.13	—	39,467	37,467	127,940	—	158,667	279,879	417,819
Missouri	177,872	2.21	596,969	1.63	—	73,667	54,333	188,606	—	294,667	415,879	615,485
Montana	78,400	.97	156,523	.43	—	12,333	11,333	84,272	—	49,333	170,545	258,817
Nebraska	42,735	.53	112,000	.30	—	17,667	10,000	88,273	—	70,667	191,879	280,152
Nevada	24,340	.30	193,088	.53	—	10,000	17,667	88,273	—	40,000	161,212	249,485
New Hampshire	16,126	.20	219,078	.59	—	6,467	25,000	92,273	—	26,667	147,879	240,152
New Jersey	118,769	1.48	1,185,473	3.23	—	49,333	107,667	217,406	—	197,333	316,545	538,151
New Mexico	37,968	.47	83,093	.23	—	15,467	7,467	83,940	—	42,667	181,879	267,819
New York	327,182	4.08	585,095	1.59	—	136,000	53,000	253,606	—	544,000	645,212	918,818
North Carolina	191,081	2.38	865,251	2.30	—	79,333	76,467	218,006	—	317,333	439,545	655,151
North Dakota	23,940	.30	57,877	.16	—	10,000	5,333	75,939	—	40,000	161,212	223,151
Ohio	263,366	3.28	1,102,294	3.00	—	109,333	100,000	269,939	—	437,333	558,545	828,484
Oklahoma	159,546	1.99	489,561	1.33	—	64,333	44,333	171,272	—	265,333	386,545	557,817
Oregon	124,669	1.54	704,781	1.92	—	51,333	64,000	175,939	—	205,333	276,545	502,484
Pennsylvania	171,276	2.13	1,609,891	4.38	—	71,000	146,000	277,406	—	284,000	405,212	682,818
Rhode Island	70,365	.88	189,782	.52	—	12,667	17,333	90,606	—	50,667	177,879	282,485
South Carolina	169,365	2.11	865,344	2.36	—	70,333	78,467	209,406	—	281,333	402,545	612,151
South Dakota	28,061	.35	41,278	.11	—	11,667	5,467	75,940	—	44,667	167,879	253,819
Tennessee	215,292	2.68	733,228	2.01	—	89,333	70,333	220,272	—	333,333	478,545	698,817
Texas	535,586	6.67	4,653,182	12.67	—	222,333	422,333	705,272	—	899,333	1,010,545	1,715,817
Utah	41,615	.52	383,234	1.04	—	17,333	34,467	112,406	—	69,333	190,545	303,151
Vermont	25,074	.31	86,148	.24	—	10,333	6,467	78,606	—	41,333	162,545	242,151
Virginia	139,623	1.74	315,451	.86	—	58,000	28,467	145,273	—	232,000	353,212	495,485
Washington	188,723	2.35	252,883	.70	—	78,333	23,333	162,272	—	313,333	436,545	596,817
West Virginia	31,234	.39	88,252	.24	—	13,000	8,000	81,406	—	52,000	173,212	254,818
Wisconsin	364,201	4.78	737,983	1.95	—	199,333	65,000	264,939	—	637,333	756,545	1,043,484
Wyoming	15,857	.20	36,456	.10	—	6,667	3,333	70,606	—	26,667	147,879	218,485
Guam	01	.01	154,451	.42	—	333	16,000	76,939	—	1,333	122,545	197,484
Puerto Rico	17,359	.22	181,268	.49	—	7,333	16,333	84,272	—	29,333	150,545	234,817
Virgin Islands	2,294	.03	104,745	.28	—	10,000	12,667	83,273	—	4,000	125,212	208,485
American Samoa	99	—	—	—	—	—	—	60,606	—	—	121,212	181,818

^{1/2} Figures may not add to totals due to rounding.

^{2/} Factor 1: One third of the funding available for recreational boating safety programs shall be allocated equally among eligible States.

^{3/} Factor 2: One third of the funding available for recreational boating safety programs shall be allocated so that the amount each 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.

^{4/} Factor 3: One third of the funding available for recreational boating safety programs shall be allocated so that the amount each year to each eligible State will be in the same ratio as the State funds expended or obligated for the State boating safety program bears to the total State funds expended or obligated for that fiscal year by all eligible States.

^{5/} Factor 4: One third of the funds available for allocation and distribution for recreational boating facilities improvement programs shall be allocated equally among eligible States.

^{6/} Factor 5: Two thirds of the funds available for allocation and distribution for recreational boating facilities improvement programs shall be allocated so that the amount each 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.

STATE LAWS ON ALLOCATION OF FUEL TAXES FOR BOATING FACILITIES

This report lists the twenty-seven State codes found to contain provisions earmarking portions of State fuel tax revenues for construction and maintenance of boating facilities and/or other boating-related projects.

The States having such provisions are:

Alabama: Ala. Code § 49-17-31(c)(1).

Alaska: Alaska Stat. § 43.40.010(f).

Arizona: Ariz. Rev. Stat. § 28-1502.01.

California: Calif. Rev. & Tax Code § 8352.4.

Idaho: Idaho Code § 63-2432(c).

Illinois: Ill. Rev. Stat. ch. 120, § 424.

Indiana: Ind. Code Ann. § 6-6-1.5-4 [68-1504].

Iowa: Iowa Code § 324.78.

Maine: Maine Rev. Stat. tit. 36, § 2903-A.

Maryland: Md. Ann. Code art. 56, § 137(a).

Massachusetts: Mass. Gen. Laws Ann. ch. 65A, § 613.

Michigan: Mich. Comp. Laws § 281.509.

Minnesota: Minn. Stat. Ann. § 296.421.

Missouri: Mo. Ann. Stat. § 142.167 (funds to be used for roads connecting State highways to lakes with more than 100 miles of shoreline).

Nevada: Nev. Rev. Stat. § 365.535.

New Hampshire: N.H. Rev. Stat. Ann. § 265-29.

New Jersey: N.J. Stat. Ann. 54:39-74.

New Mexico: N.M. Stat. Ann. § 72-27-9.

North Carolina: N.C. Gen. Stat. § 105.446.2.

Ohio: Ohio Rev. Code Ann. § 5735.051.

Pennsylvania: Pa. Stat. Ann. tit. 72, § 2611q.

South Carolina: S.C. Code § 10-47-72.

South Dakota: S.D. Compiled Laws Ann. § 10-47-72.

Texas: Tex. Tax-Gen. Ann. art. 9.13.

Utah: Utah Code Ann. § 41-11-11.

Virginia: Va. Code § 58-730.3.

Washington: Wash. Rev. Code § 43.99.040.

The above may not be an exclusive listing of all States which allocate fuel tax revenues for boat facilities. It is possible that after States may do so pursuant to uncodified statutes, administrative regulations, or interdepartment understandings.

LARRY EIG, *Legislative Attorney.*

Mr. BIAGGI. To your knowledge, how many States earmark a portion of their Marine Fuels Tax Revenue for boating safety facilities improvement programs?

Mr. STEWART. From figures we have on hand, 33 States. I think that 31 is done by statute and there are two States where it is done by regulation or agreement between the different departments.

Mr. BIAGGI. What types of boating facilities projects do you expect the States would implement if this proposal became law?

Mr. STEWART. I wouldn't know. I am attempting to get this information from the States. Since the Boating Administrator handles the boating safety side, he has to go to another area to request this information and we don't have it at our disposal right now. I would like to leave the record open on that and submit a written report on it—in fact, for all questions.

Mr. BIAGGI. Very well.

[The following was received for the record:]

SUBCOMMITTEE ON COAST GUARD AND NAVIGATION,
August 3, 1979.

Hon. MARTY MERCADO,

*Director, Department of Boating and Waterways, The Resources Agency of California,
State of California, Sacramento, Calif.*

DEAR MS. MERCADO: I recently chaired Coast Guard Subcommittee hearings on H.R. 4310, the Recreational Boating Safety and Facilities Improvement Act of 1979, which I introduced. At that time, witnesses representing the National Association of State Boating Law Administrators testified in support of this legislation as a mechanism for continuing Federal assistance to State boating safety programs and for assisting in the development of new recreational boating facilities across the country.

During those hearings, I asked the NASBLA spokesmen a number of questions to be referred to their State counterparts who were not represented. Those responses will be utilized to build a strong legislative record, justifying the necessity for this legislation. You will no doubt be contacted in this regard.

In addition, the State of California has a long history of providing boating facility projects in the interest of its recreational boating public. In fact, the predecessor agency to your own, the Department of Navigation and Ocean Development, was created in part to develop harbors of refuge for boatmen along the California coast. I am aware that California also earmarks a significant portion of its State marine fuels tax revenue to finance these projects. Therefore, it would be helpful to the Subcommittee to receive for the record more detailed information on the history of State boating facility projects in California.

California has also witnessed some innovative public and private initiatives in providing additional marine facilities for recreational boaters. These include the Pier 39 project in San Francisco and the Marina del Ray project—the largest marina of its kind in the world—in Los Angeles. Specific information relating to the conceptualization and development of these projects, combining the use of public and private funds, would be most helpful to this Subcommittee as we proceed to consider H.R. 4310 in markup session in mid-September.

I am sorry that time will probably not permit the scheduling of a field hearing in California on this subject in the near future. It certainly would provide additional insight into California's unique approach to providing adequate recreational boating facilities for its citizens. I believe that H.R. 4310, once enacted, will build upon this remarkable record of achievement.

I appreciate your assistance to the Subcommittee in this matter, and am grateful for your continued support of this legislation of significant importance to our recreational boating public.

Sincerely,

MARIO BIAGGI, *Chairman.*

DEPARTMENT OF BOATING AND WATERWAYS,
Sacramento, Calif.

Hon. MARIO BIAGGI,

*Chairman, Subcommittee on Coast Guard and Navigation,
U.S. House of Representatives, Washington, D.C.*

DEAR MR. BIAGGI: This is in response to your letter of August 3, 1979 to the Department of Boating and Waterways (Cal Boating) requesting information concerning California's boating program. Specifically, you wanted more detailed information on the history of our boating facility development projects, and how joint public and private marinas are funded and developed.

The State of California's boating program began in 1957 as a small division with limited responsibilities and funding. Over the years, changes were made in program responsibilities which now consist of: (1) Boating facilities development; (2) beach erosion control; (3) environmental analysis; (4) boating safety and education; (5) boating enforcement and regulation; and (6) yacht and ship broker licensing. Funding for our programs is provided by the boaters, primarily by gasoline taxes paid for propelling vessels. These programs, except for our beach erosion and control program, is self-supporting and our annual budget is approximately \$13,000,000.

Under Cal Boating's boat launching facility development grant program to cities, counties and districts, we have provided approximately 100 grants totaling \$17,000,000 to develop 200 concrete launching lanes with supporting facilities such as boarding floats, restrooms, paved parking, landscaping and irrigation, and utilities. We are currently providing \$1.5-\$2 million annually under this program.

Under our Capital Outlay program, where boating facilities are provided on State-owned water projects and in State-owned parks, Cal Boating has provided approximately \$18,000,000 on 40 projects to develop 95 berths, 50 moorings, 165 concrete launching lanes, and 575 boat-in sites, with restrooms, boarding floats, landscaping and irrigation, utilities and day use picnic facilities. We are currently providing approximately \$1.5 million annually under this program.

Under our marina development program, Cal Boating provides loans to cities, counties and districts for the development of small craft marinas. To date, we have provided \$80,000,000 in loans for the development of 11,000 berths at 33 marinas. Our loan funds are also used to develop breakwaters, basin dredging, parking, restrooms, parks and walkways, and day use picnic facilities. Our loan budget is approximately \$8,000,000 annually.

A detailed list of development projects funded and the functions of Cal Boating are shown in the two documents enclosed for your information, i.e., "Boating Facilities Projects" dated February 1979, and our "Tenth Biennial Report."

Joint public/private marina development projects are encouraged by Cal Boating to stretch our limited funding capabilities. Cal Boating provides loans to local governmental agencies which are used to develop non-revenue producing elements of a marina, e.g., dredging to develop the marina basin, breakwater construction, rip-rapping of the shoreline, excavation of the land area, and providing utilities to the marina to private concessionaires who develop the revenue producing features of the marina, i.e., the berthing for the boats with the associated restrooms, parking, landscaping and public access amenities as well as chandleries, bait and tackle shops, boat repair yard, yacht brokers, coffee shops and restaurants. However, if the city elects to operate and maintain the berthing facilities themselves, Cal Boating loans can be used for the development.

Marina del Rey in Los Angeles with 6,000 berths was constructed as a joint public/private marina with Cal Boating and the County of Los Angeles developing the non-revenue producing features while private concessionaires developed the berthing, boating related businesses and other revenue producing features.

The Pier 39 project in San Francisco was developed by a private concessionaire on land and water leased from the Port of San Francisco.

There are approximately 800 marinas in California and less than 10 percent of these are publicly owned. Of the 70,000 berths in California: 12,000 are publicly owned and operated; 38,000 berths are on public lands that are leased to private concessionaires; and 20,000 berths are privately owned and operated. California's boating industry with 570,000 boats creates 48,000 jobs and annually contributes \$1.8 billion to California's economy.

According to statewide studies and surveys, boating facilities deficiencies continue to exist and the development of new facilities is not keeping pace with the additional demands created by the growth in the State's boating population. Virtually all coastal and bay marinas have long waiting lists of boaters waiting to occupy vacant berths. The San Francisco Bay Area has a shortage of over 5,000 berths and the Los Angeles Area shortage is over 12,000 berths.

I trust that the foregoing information and data will prove helpful to you and members of the Subcommittee on Coast Guard and Navigation. If additional information is required, please feel free to contact us at any time.

Sincerely,

MARTY MERCADO, *Director.*

Enclosure.

SUMMARY OF DISTRIBUTION OF FUNDS BY CATEGORY, LAND AND WATER CONSERVATION FUND PROGRAM TO OCTOBER 1978

Category	Amount	Number of projects	Acres	
			Acquired	Developed
Local projects.....	\$71,886,577	445	13,554	12,081
State projects.....	59,417,714	163	103,276	3,447
Department of Parks and Recreation	43,136,966	66	48,269	2,967
Department of Fish and Game	12,955,353	64	54,244	364
Department of Water Resources	998,000	6	760	2
Department of Navigation and Ocean Development	2,327,395	18	3	114

SUMMARY OF DISTRIBUTION OF FUNDS BY CATEGORY, LAND AND WATER CONSERVATION FUND
PROGRAM TO OCTOBER 1978—Continued

Category	Amount	Number of projects	Acres	
			Acquired	Developed
Statewide planning projects	1,436,989	9		
Total	132,741,280	617	116,830	15,528

NATIONAL BOATING FEDERATION,
September 7, 1979.

Mr. LAWRENCE G. MALLON,
Professional Staff Member,
Washington, D.C.

DEAR LARRY: For the record the National Boating Federation would like to submit the following documentation wherein boatmen are convinced that the Land and Water Conservation Fund has not adequately nor fairly served recreational boating's needs.

In 1976, the National Boating Federation requested the Heritage Conservation and Recreation Service's predecessor, the Bureau of Outdoor Recreation, to supply information on boating projects constructed or improved with Land and Water Conservation Fund monies.

NBF rationalized that since the Fund's inception ten years earlier, at least \$275 million of the Fund had come from Federal tax on fuel used in boats, and therefore, it would not be unreasonable to assume that there would be boating projects commensurate with boating's contributions to the Fund. After all, the boating community had enthusiastically supported the Land and Water Conservation Fund Act believing that it would open the door to nationwide improvements in boating and boating related facilities improvements. We were proud to do our share, although we were ever mindful that recreational boating, via the Federal marine fuel tax, was the only class of recreationists paying taxes into the Fund.

BOR furnished us with an inventory of projects said to be boating or boating related. See the enclosed copy of BOR's printout.

We were told that as of March 31, 1976, 1,816 projects of a total of 15,581 projects undertaken since the inception of the Fund were for boating. In other words, about one out of eight. On the face of it, this sounded good—about \$148,000 per project, just for the Federal share. As you know, L&WC funds are matched by state or local government recipients.

The trouble with BOR's inventory was, the project descriptions were vague. We knew nothing more than a project's number, the project's title, and the state or local government sponsor's name. It was impossible to judge how the project benefited boating. Given some of the project titles, e.g., the Battleship Alabama Park, the connection with boating seemed very tenuous.

Consequently, NBF called upon the National Association of State Boating Law Administrators for assistance in obtaining specifics on what the projects represented by BOR as boating or boating related had to offer boating. The disclosures were shocking.

A sampling showed that in many states the projects listed did not, in fact, benefit boating. Many were off limits to power boating or suffered restrictions of ten horsepower or less, which hardly seemed a fair application of fuel tax revenues generated by power boating.

The responses further indicated a heavy emphasis upon land acquisition with no provision for boating and no promise that there ever would be.

NASBLA affiliated boating administrators pointed out serious problems in L&WC Funding of recreational boating facilities.

At the root of the problem is the administering agency at the state level, the State Liaison Officer. Many of them are connected with agencies of government whose primary interest is not closely related to boating or water-oriented recreation of any sort. In states in which the SLO has little or no responsibility in the area of recreational boating you will find few projects which include facilities for recreational boating. Boating consistently loses out to other forms of outdoor recreation

which enjoy higher priority. It seems that we are victimized by an erroneous impression among government administrators that boating is a rich man's sport, and that we can afford to take care of our own needs.

In truth, the vast majority of the nation's recreational boat fleet consists of small trailerable type boats. Their needs entail mostly small boating facility projects, i.e., two or three-acre accesses with a boat ramp and related parking space. But, we are told, the paper shuffle for L&WC projects is so great that both the SLOs and the Heritage Conservation and Recreation Service hesitate to get involved in small projects due to the cost of the paper shuffle. They prefer major projects. Therein lies another problem for boating.

NBF is convinced from its survey findings that recreational boating is not getting a fair return from the Land and Water Conservation Fund. Moreover, on the basis of our investigation of BOR's 1976 printout or inventory we believe that there is reasonable cause for saying that the benefits to boating from the Land and Water Conservation Fund have been grossly exaggerated.

That is why we applaud H.R. 4310 to have Federal boat fuel tax revenues removed from the Land and Water conservation Fund and assigned to a new fund dedicated wholly to boating improvements.

The National Association of State Boating Law Administrators shares our concerns as you can see from the enclosed resolutions concerning the Land and Water Conservation Fund dating back to 1966.

Thank you for your consideration in making this letter and its enclosures part of the record.

Sincerely,

RON STONE, *Executive Committeeman.*

Enclosures.

STATE OF DELAWARE,
DIVISION OF FISH AND WILDLIFE,
Dover, Del., July 21, 1976.

Mr. RICHARD STARNES,
President, National Boating Federation,
Chicago, Ill.

DEAR MR. STARNES: This is in reply to your letter of July 12, 1976 regarding B.O.R. projects relating to boating with attached project list.

In checking the attached list of projects, we find the following projects are related to boating:

Project 56.—Port Mahon Marine access ramps. Two ramps, bulkheading of pier and parking lot.

Project 52.—Parking lot, bulkhead and marine access ramp.

Project 6.—Fresh water pond. Access area for fishermen.

Project 45.—This is a Marina with many slips rented to the public, also a marine boat access ramp under concession. It is run by the Division of Parks.

Your interest in the needs of the boating public is very much appreciated. If this office can be of further assistance, please let us know.

NOTE.—Only 4 out of 11 alleged boating projects are boating related.

Sincerely yours,

GEORGE W. STEWART, Jr.,
Delaware Boating Administrator.

STATE OF MARYLAND,
DEPARTMENT OF NATURAL RESOURCES,
LICENSING AND CONSUMER SERVICES,
Annapolis, Md., August 31, 1976.

Mr. RICHARD STARNES,
President, National Boating Federation,
Chicago, Ill.

DEAR MR. STARNES: I am enclosing a list of the boating and water-related projects showing the amount of funds allocated from the Land and Water Conservation Funds. It is obvious that the list provided by the U.S. Bureau of Outdoor Recreation was very misleading.

I would be interested in knowing, should you have the information available, how the allocation matches up with the amount of Federal fuel tax contributions by Maryland residents.

NOTE.—Only 11 out of 25 alleged boating projects are boating or even water related.

Sincerely,

BENNY BESS CRANDALL, *Chief.*

Enclosure.

Funds allocated from the land and water conservation funds

Number, project title, and sponsor name:	Total obligation
33—Annapolis City Waterfront Development, Department of Chesapeake Bay Affairs.....	\$51,460
86—Choptank River Marine Facility, Caroline County	18,687
86—G. Daniel Crouse Memorial Park, Town of Denton	21,170
81—Federalsburg Park Marine Development 1, Town of Federalsburg.....	69,494
28—Matapeake Harbor of Refuge, Department of Chesapeake Bay Affairs	39,088
52—Dogwood Cover Acqueduct 1, Talbot County	2,750
85—Clarborne Park Development 1, Talbot County	21,523
65—Oak Creek Park Development, Talbot County.....	23,708
94—Bellevue Park Development 1, Comm. of Talbot County.....	49,303
55—Camp Harding Park, Washington Co. Comm.....	225
11—Byrd Park, City of Snow Hill.....	4,968
Total	302,376

STATE OF HAWAII,
DEPARTMENT OF TRANSPORTATION,
HARBORS DIVISION,
Honolulu, Hawaii, August 31, 1976.

Mr. RICHARD STARNES,
President, National Boating Federation
Tampa, Fla.

DEAR RICHARD: Thank you for the letter concerning channeling Federal Land and Water Conservation Funds into boating programs.

We reviewed the printout, enclosed with your letter, published by the U.S. Bureau of Outdoor Recreation and represented by that Agency as a list of completed projects benefiting recreational boating. Project No. 79, relating to the Hana Boat Launching Ramp and Project Nos. 9 and 25, relating to the Haleiwa Small Boat Harbor did aid in providing urgently needed boating facilities in Hawaii. However, none of the other projects listed in the printout were of any benefit to recreational boating in this State.

We, too, are disappointed in the small amount of benefits accruing to state boating programs from the Land and Water Conservation Fund. Especially, in view of the substantial amounts of unclaimed revenues from Federal tax on fuel used in motorboats that are deposited annually into the Fund.

In Hawaii, all taxes collected with respect to fuel sold for use in motorboats are deposited into the State Boating Special Fund and used to defray the costs of constructing, operating and maintaining boating facilities and other boating program activities. This concept is equitable and fair since those who benefit from the State Boating Program aid in financing the program in proportion to their fuel usage. A similar concept should be used in the allocation of funds to the boating programs of the several states from the Federal Land and Water Conservation Fund.

Perhaps we should have more aggressively solicited Land and Water Conservation Funds for boating projects. However, the unsympathetic attitude of Bureau of Outdoor Recreation personnel in the field towards boating projects and the low priorities that agency has established for such projects in the past has caused frustration, discouragement and lack of enthusiasm for seeking Land and Water Conservation Funds for boating projects in Hawaii.

We appreciate the efforts of the National Boating Federation concerning this important matter.

Aloha and best wishes.
Very truly yours,

THOMAS H. STRATTON,
Boating Staff Officer.

COMMONWEALTH OF VIRGINIA,
COMMISSION OF GAME AND INLAND FISHERIES,
Richmond, October 15, 1976.

MR. RICHARD STARNES,
*President National Boating Federation,
Chicago, Ill.*

DEAR MR. STARNES: Attached is a list of the projects in our state and a brief note on each as to the boating access provided. We hope that this information will be of some benefit to you.

Sincerely,

LLOYD H. BYRD, *Commission Engineer.*

Enclosure.

19, *Smith Mt. Lake State Park (A)*.—Project will provide all-purpose boating access when completed.

143, *Staunton River Recreation Area (A&D)*.—Project will provide all-purpose boating access when completed.

148, *Enon Park (A)*.—Project will provide public all-purpose boating access to the Appomattox River when developed.

55, *Lake Chesdin Boat Ramp*.—Project provides all-purpose boating access to Lake Chesdin.

*92, *NVRPA—Flood Damage Project*.—Does not provide any type of boating access.

*73, *NVRPA—Davy Tract*.—Project does not provide any type of boating access.

76, *Riverview Park (D)*.—Project provides all-purpose public boating access from ramp.

72, *Upper Potomac Regional Park (2)(A)*.—Project provides access to Potomac River.

*45, *Potomac River Bend (A)*.—Project does not provide any type of boating access.

50, *Potomac Shoreline Regional Park (A)*.—Project provides boating access to Potomac River.

*37, *Potomac Regional Park (A)*.—Project does not provide any type of boating access.

52, *Halifax and Nansemond Boat Ramps (D)*.—Project provides all-purpose public boat access.

108, *York River State Park (A&D)*.—Project will provide all-purpose public boating access from ramp to the York River.

129, *Algonkian Regional Park (A)*.—Project provides all-purpose public boat access from existing boat ramp.

131, *Eastern Shore Boat Ramps (D)*.—Project provides all-purpose public boat access.

7, *Claytor Lake State Park (D)*.—Project provides all-purpose public boat access.

*62, *Waller Mill Park (D)*.—Project provides public boat access for all boats excluding gasoline motors.

95, *Waller Mill Park (D)*.—Project provides boat tunnel for access to upper lake.

*61, *Chris Green/Mint Springs (D)*.—Project provides public boat access for all boats excluding gasoline motors.

57, *Wayland Park (A&D)*.—Project does not provide any type of boating access.

*83, *Upper Potomac Regional Park (A)—3rd*.—Project does not provide any type of boating access.

*30, *Bull Run Occoquan Regional Park (A)*.—Project does not provide any type of boating access.

*34, *Bull Run Occoquan Regional Park (A)*.—Project does not provide any type of boating access.

15, *Mason Neck State Park (A)*.—Project will provide all-purpose public boating access.

*39, *Grandview Park (A)*.—Project does not provide any type of boating access.

80, *Boat Ramp/Recreation Area (D)*.—Project provides all-purpose public boat access.

36, *Norfolk Boat Ramp (D)*.—Project provides all-purpose public boat access.

****99, Flag Rock Recreation Area (D).**—Project provides public boat access for all boats excluding gasoline motors.

****89, Appomattox River City Park (D).**—Project provides boat access for car-top boats and canoes.

***47, Sleepy Hole Park (D).**—Project does not provide any type of public boat access.

****87, New River City Park (A&D).**—Project will provide informal boat access for car-top boats and canoes.

***54, James River Park, Phase II (D).**—Project does not provide any type of public boat access.

****77, Mount Trashmore Park (D).**—Project provides informal boat access for car-top boats and canoes.

35, Virginia Beach Boat Ramp (D).—Project provides all-purpose public boat access.

*Doesn't help boating at all.

**Excludes power boats.

NOTE.—34 projects, 11 don't provide any type boating access, 6 exclude power boats.

BOATINGS - FY 78

PAGE 1

REPLACEMENT CONSERVATION AND RECREATION SERVICE

STATE - ALABAMA	TITLE	ACTIVITY CODES	SPONSOR	T	APPR DATE	OBLIGATION
01-08-74	304	WIND CORPS STATE PARK	DIVISION OF STATE PARKS	D	09/28/78	1,247,176.04
		6102000000000000				1,247,176.04

PAGE 2

REPLACEMENT CONSERVATION AND RECREATION SERVICE

STATE - ALABAMA	TITLE	ACTIVITY CODES	SPONSOR	T	APPR DATE	OBLIGATION
01-08-74	237	MALIBU COAST STATE PARK	CITY AND BUREAU OF SITKA	D	04/27/78	94,134.00
		6300500000000000				94,134.00
	443	WIND CORPS STATE PARK	CITY OF CONDOVA	D	05/25/78	56,000.00
		6102110000000000				56,000.00
	443	WIND CORPS STATE PARK	DIVISION OF PARKS	D	05/30/78	121,500.00
		6102000000000000				121,500.00
	443	WIND CORPS STATE PARK	DIVISION OF PARKS	D	06/05/78	79,040.00
		6102000000000000				79,040.00
	443	WIND CORPS STATE PARK	DIVISION OF PARKS	D	06/12/78	77,760.00
		6102000000000000				77,760.00
						428,414.00

PAGE 3

REPLACEMENT CONSERVATION AND RECREATION SERVICE

STATE - ALABAMA	TITLE	ACTIVITY CODES	SPONSOR	T	APPR DATE	OBLIGATION
01-08-74	304	WIND CORPS STATE PARK	CITY OF CONDOVA	C	09/29/78	67,726.87
		6300500000000000				67,726.87

REPLACEMENT CONSERVATION AND RECREATION SERVICE

STATE - CALIFORNIA	TITLE	ACTIVITY CODES	SPONSOR	T	APPR DATE	OBLIGATION
01-08-74	580	HIGHWAY INLAND ALLIANCE	WILDLIFE CONSERVATION BOARD	D	12/05/77	13,184.50
		6102000000000000				13,184.50
	580	HIGHWAY INLAND ALLIANCE	COUNTY OF SAN JOAQUIN	D	02/28/78	185,118.00
		6102000000000000				185,118.00
	585	HIGHWAY INLAND ALLIANCE	MT. PARK DIST. MONTEREY	A	03/31/78	61,020.00
		6102000000000000				61,020.00
	600	HIGHWAY INLAND ALLIANCE	CITY OF WILLIAMS	A	03/20/78	56,600.00
		6102000000000000				56,600.00
	600	HIGHWAY INLAND ALLIANCE	DEPT. OF NAVIGATION & OCEAN DEV.	A	06/18/78	50,850.00
		6102000000000000				50,850.00
	625	HIGHWAY INLAND ALLIANCE	COUNTY OF SANTA CRUZ	D	04/11/78	104,375.00
		6102000000000000				104,375.00
	651	MILLINGTON LAKE PARK	DEPT. OF NAVIGATION & OCEAN DEV.	D	05/11/78	48,307.50
		6102000000000000				48,307.50
	655	MILLINGTON LAKE PARK	DEPT. OF NAVIGATION & OCEAN DEV.	D	05/12/78	48,307.50
		6102000000000000				48,307.50

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01-08-74	1	STATE - 1000000000				19-11 And CONSERVATION AND RECREATION SERVICE		PAGE	9
PHOTO	TITLE	ACTIVITY LEADER	SKUNSOR	T	APPH DATE	OBLIGATION			
427 COLLEGE PARK DEVELOPMENT	12-1-74	CITY OF COLLEGE PARK		D	05/18/78	25,250.00			
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91-88-79	STATE - THAWIT	PROJ #	FACILITY CODES	TITLE	ACTIVITY CODES	SPONSOR	Y	APRM DATE	OBLIGATION
		85	6400000000000000	NAVILINTL HSP IMPROVEMT	DEPT OF TRANSPORTATION		0	05/12/78	16,120.00
		86	6400000000000000	MAIR WAT T PARCHING FACILITY	DEPT OF TRANSPORTATION		0	07/17/78	242,736.00
		87	6400000000000000	HONKHUO HOAT LAUNCHING	DEPT OF TRANSPORTATION		0	09/29/78	873,600.00
		88	6400000000000000	SAND ISLAND STATE PARK	DEPT. OF LAND & NATURAL RESOURCES		0	09/29/78	538,896.00
		89	6400000000000000	THAWIT WAT T PARCHING FACILITY	DEPT. OF TRANSPORTATION		0	09/29/78	1,968,700.00

HERITAGE CONSERVATION AND RECREATION SERVICE

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RECREATION CONSERVATION AND RECREATION SERVICE

Start-End	Project	Facility	County	State	Activity	Code	Shannon	APW Date	Obligation
374	ROAD IMPROVEMENT	ROAD IMPROVEMENT	ALBANY	NY	ROAD IMPROVEMENT	11111111111111111111	CONSERVATION CO FOR PHES DIST	A 11/09/77	23,326.00
431	ROAD IMPROVEMENT	ROAD IMPROVEMENT	ALBANY	NY	ROAD IMPROVEMENT	11111111111111111111	CITY OF ALBANY	D 10/06/77	22,272.41
460	ROAD IMPROVEMENT	ROAD IMPROVEMENT	ALBANY	NY	ROAD IMPROVEMENT	11111111111111111111	CITY OF ALBANY	A 01/25/78	233,280.00
461	ROAD IMPROVEMENT	ROAD IMPROVEMENT	ALBANY	NY	ROAD IMPROVEMENT	11111111111111111111	VERMILION COUNTY CONSERVATION DIST	A 03/31/78	99,144.00
462	ROAD IMPROVEMENT	ROAD IMPROVEMENT	ALBANY	NY	ROAD IMPROVEMENT	11111111111111111111	LAKE CO FOR PHES DISTRICT	A 03/17/78	583,200.00
470	ROAD IMPROVEMENT	ROAD IMPROVEMENT	ALBANY	NY	ROAD IMPROVEMENT	11111111111111111111	NAPEVILLE PARK DISTRICT	A 03/29/78	671,000.76
471	ROAD IMPROVEMENT	ROAD IMPROVEMENT	ALBANY	NY	ROAD IMPROVEMENT	11111111111111111111	CITY OF ALTON	D 06/30/78	233,280.00
472	ROAD IMPROVEMENT	ROAD IMPROVEMENT	ALBANY	NY	ROAD IMPROVEMENT	11111111111111111111	CANTON PARK DISTRICT	D 04/25/78	233,280.00
473	ROAD IMPROVEMENT	ROAD IMPROVEMENT	ALBANY	NY	ROAD IMPROVEMENT	11111111111111111111	CITY OF CARBONDALE	D 04/13/78	14,095.94
505	ROAD IMPROVEMENT	ROAD IMPROVEMENT	ALBANY	NY	ROAD IMPROVEMENT	11111111111111111111	FOR PHES DIST OF COOK CO	D 03/17/78	189,297.97
517	ROAD IMPROVEMENT	ROAD IMPROVEMENT	ALBANY	NY	ROAD IMPROVEMENT	11111111111111111111	DEPARTMENT OF CONSERVATION	A 07/06/78	52,312.04
521	ROAD IMPROVEMENT	ROAD IMPROVEMENT	ALBANY	NY	ROAD IMPROVEMENT	11111111111111111111	DEPARTMENT OF CONSERVATION	A 09/29/78	174,960.00
522	ROAD IMPROVEMENT	ROAD IMPROVEMENT	ALBANY	NY	ROAD IMPROVEMENT	11111111111111111111	DEPARTMENT OF CONSERVATION		2,529,452.12

ITALY CONSERVATION AND RECREATION SERVICE

START - FINISH	TITLE	ACTIVITY CODE	SPONSOR	T. APRX DATE	OBLIGATION
270	FACILITY CONSTRUCTION	120000000000000000	HARMONY PARK & REC BOARD	0 09/29/78	94,000.00
271	6304757400000000	120000000000000000			
300	MATERIALS CONSTRUCTION	110000000000000000	DEPT NATURAL RESOURCES	0 02/27/78	205,450.00
301	6103646567067474	110000000000000000			
302	7500000000000000	110000000000000000	DEPT NATURAL RESOURCES	0 11/16/77	175,000.00
303	7500000000000000	110000000000000000			
305	STATE PARK WATERWAY	120000000000000000	INDIANA DEPT OF NATURAL RESOURCES	0 01/30/78	674,800.76
306	9400000000000000	120000000000000000			
307	7500000000000000	120000000000000000	DEPT NATURAL RESOURCES	0 02/08/78	42,105.00
308	7500000000000000	120000000000000000			
310	ST PATRICK'S COUNTRY RESORT	110000000000000000	ST JOSEPH CO PK & REC BOARD	0 04/12/78	191,534.15
316	6304660977676794	110000000000000000			
315	07000 ISLAND PARK ACQ.	110000000000000000	ALLEN CO PARK & REC. BOARD	0 05/01/78	62,500.00
320	6103646567067474	110000000000000000	DEPT NAT RESOURCES	0 01/04/78	572,347.00
321	6103646567067474	110000000000000000			
326	LITTLE CALUMET RIVER ACQUISITION	110000000000000000	INDIANA DEPT NATURAL RESOURCES	0 08/10/78	275,000.00
330	630466097498000000	110000000000000000			
					2,292,742.91

01-88-74

HERITAGE CONSERVATION AND RECREATION SERVICE

PAGE 14

STATE - INDIANA

PROJECT #	TITLE	ACTIVITY CLUES	SPONSOR	T	APPH DATE	OBLIGATION
786	HANCOCK CITY LAKE IMPROVEMENT	1106070000000000	STATE CONSERVATION COMMISSION	D	10/04/77	425,000.00
794	PIPERVILLE WATER PURIFICATION	1207000000000000	LEE COUNTY CONSERVATION BOARD	D	02/08/78	30,000.00
795	LAKE MONROE STATE PARK IMP	0306050711000000	LEE COUNTY CONSERVATION BOARD	D	10/21/77	40,105.00
844	LAKE MONROE STATE PARK IMP	0306050711000000	STATE CONSERVATION COMMISSION	D	03/02/78	295,104.00
853	LAKE MONROE STATE PARK IMP	0306050711000000	CITY OF PRINCETON	D	04/26/78	24,000.00
854	LAKE MONROE STATE PARK IMP	0306050711000000	HOESLIER CO. CONSERVATION RD	D	04/12/78	31,210.00
855	LAKE MONROE STATE PARK IMP	0306050711000000	INDIAN COUNTY CONSERVATION BOARD	D	04/18/78	10,625.00
874	LAKE MONROE STATE PARK IMP	0306050711000000	MONROE COUNTY CONSERVATION BOARD	D	05/01/78	9,000.00
875	LAKE MONROE STATE PARK IMP	0306050711000000	INDIAN COUNTY CONSERVATION COMM.	D	07/10/78	90,100.00
876	LAKE MONROE STATE PARK IMP	0306050711000000	CITY OF FORT MADISON	D	07/20/78	45,000.00
877	LAKE MONROE STATE PARK IMP	0306050711000000	CITY OF FARMINGTON	D	07/26/78	15,000.00
878	LAKE MONROE STATE PARK IMP	0306050711000000	LEE COUNTY CONSERVATION BOARD	A	07/19/78	33,350.00
879	LAKE MONROE STATE PARK IMP	0306050711000000	CLARK CO. CONSERVATION BOARD	D	07/31/78	33,530.00
880	LAKE MONROE STATE PARK IMP	0306050711000000	CLARK CO. CONSERVATION BOARD	D	07/31/78	1,082,624.00

HERITAGE CONSERVATION AND RECREATION SERVICE

PAGE 15

KANSAS

STATE - KANSAS

PROJECT #	TITLE	ACTIVITY CLUES	SPONSOR	T	APPH DATE	OBLIGATION
373	ELLEN ELDER ST. PARK	0306050711000000	KANSAS PARK & RECREATION AUTHORITY	D	11/11/77	10,424.00
376	TRINITY ST. PARK	0306050711000000	LOUISIANA STATE PARK & RECREATION COMMISSION	D	11/30/77	28,957.00
377	WILSON ST. PARK	0306050711000000	LOUISIANA STATE PARK & RECREATION COMMISSION	D	04/14/78	3,159.00
378	WILSON ST. PARK	0306050711000000	LOUISIANA STATE PARK & RECREATION COMMISSION	D	04/14/78	42,540.00

01-88-74

HERITAGE CONSERVATION AND RECREATION SERVICE

PAGE 16

STATE - KENTUCKY

PROJECT #	TITLE	ACTIVITY CLUES	SPONSOR	T	APPH DATE	OBLIGATION
379	WICKLIFF MEMORIAL PARK	0306050711000000	CITY OF WICKLIFF	D	03/29/78	12,332.32
380	WICKLIFF MEMORIAL PARK	0306050711000000	CITY OF WICKLIFF	D	03/29/78	12,332.32

01-08-79

PAGE 24---

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STATE - MISSISSIPPI	PARK #	TITLE	ACTIVITY CODES	SPONSOR	T	APPR DATE	OBLIGATION
	606	FACILITY CODES					
	616	NEW PARK ACQUISITION	1102/005/111150	PAT HARRISON WATERWAY DISTRICT	D	11/28/77	20,000.00
	616	NEW PARK ACQUISITION	1102/005/111150	PAT HARRISON WATERWAY DISTRICT	D	06/01/78	189,300.00
	626	PAT HARRISON WATERWAY DISTRICT	1102/011/000000	PAT HARRISON WATERWAY DISTRICT	A	06/16/78	1,186,100.00
	626	PAT HARRISON WATERWAY DISTRICT	1102/005/000000	MISSISSIPPI PARK COMMISSION	D	06/28/78	81,200.00
	616	NEW PARK ACQUISITION	1102/005/111150	PAT HARRISON WATERWAY DISTRICT	D	06/28/78	1,186,100.00

01-08-74										PAGE	25
STATE - MONTANA											
REPTAGE CONSERVATION AND RECREATION SERVICE											
PROJ #	TITLE	ACTIVITY CODES	SPONSOR	T	APRM DATE	OBLIGATION					
414	FACILITY CODES										
415	STATE REPTAGE	1107620000000000	JACKSON COUNTY	D	08/01/78	100,000.00					
416	REPTAGE CODES	1107620000000000	MISSOULI COUNTY	D	06/30/78	25,000.00					
417	REPTAGE CODES	1107620000000000	MISSOULI DEPT. OF NATURAL RESOURCES	D	07/10/78	175,000.00					
418	REPTAGE CODES	1107620000000000	MISSOULI DEPT. OF NATURAL RESOURCES	D	09/05/78	75,000.00					
419	REPTAGE CODES	1107620000000000	MISSOULI DEPT. OF NATURAL RESOURCES	D	08/31/78	325,000.00					
420	REPTAGE CODES	1107620000000000	MISSOULI DEPT. OF NATURAL RESOURCES	D		700,000.00					
STATE - MONTANA											
REPTAGE CONSERVATION AND RECREATION SERVICE											
PROJ #	TITLE	ACTIVITY CODES	SPONSOR	T	APRM DATE	OBLIGATION					
421	FACILITY CODES										
422	STATE REPTAGE	1107620000000000	MONTANA DEPT. OF FISH & GAME	D	01/24/78	9,412.50					
423	STATE REPTAGE	1107620000000000	MONTANA DEPT. OF FISH & GAME	C	01/27/78	591,584.50					
424	STATE REPTAGE	1107620000000000	MONTANA DEPT. OF FISH & GAME	D	03/30/78	80,543.00					
425	STATE REPTAGE	1107620000000000	MONTANA DEPT. OF FISH & GAME	D	02/13/78	12,655.00					
426	STATE REPTAGE	1107620000000000	MONTANA DEPT. OF FISH & GAME	D	02/21/78	4,350.00					
427	STATE REPTAGE	1107620000000000	MONTANA DEPT. OF FISH & GAME	D	02/21/78	5,354.00					
428	STATE REPTAGE	1107620000000000	MONTANA DEPT. OF FISH & GAME	D	02/21/78	2,667.50					
429	STATE REPTAGE	1107620000000000	MONTANA DEPT. OF FISH & GAME	D	03/01/78	8,032.50					
430	STATE REPTAGE	1107620000000000	MONTANA DEPT. OF FISH & GAME	D	03/01/78	21,330.00					
431	STATE REPTAGE	1107620000000000	MONTANA DEPT. OF FISH & GAME	D	03/22/78	11,270.00					
432	STATE REPTAGE	1107620000000000	MONTANA DEPT. OF FISH & GAME	A	06/01/78	23,500.00					
433	STATE REPTAGE	1107620000000000	MONTANA DEPT. OF FISH & GAME	D	06/11/78	13,115.00					
434	STATE REPTAGE	1107620000000000	MONTANA DEPT. OF FISH & GAME	D	09/19/78	38,790.00					
435	STATE REPTAGE	1107620000000000	MONTANA DEPT. OF FISH & GAME	D	09/19/78	17,375.00					
436	STATE REPTAGE	1107620000000000	MONTANA DEPT. OF FISH & GAME	D	09/24/78	48,698.00					
437	STATE REPTAGE	1107620000000000	MONTANA DEPT. OF FISH & GAME	D		908,883.00					

PAGE 28PAGE 29PAGE 30

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61-88-79						PAGE 38	
HERITAGE CONSERVATION AND RECREATION SERVICE							
STATE - RHODE ISLAND		SPONSOR		T		APPR DATE	
PROJ # FACILITY CODES		ACTIVITY CODES				OBLIGATION	
218-7598000000000		CITY OF PROVIDENCE		D		04/27/78	
6475980000000000		0768000000000000				439,050.60	
238-7598000000000		DEPT. OF ENVIRONMENTAL MGMT.		D		05/29/78	
6475980000000000		0509110700000000				356,732.91	
						795,783.51	

61-88-79						PAGE 39	
HERITAGE CONSERVATION AND RECREATION SERVICE							
STATE - SOUTH CAROLINA							
PROJ #		FACILITY CODES		TITLE		SPONSOR	
754-CONWAY SLIPS		0500000000000000		CITY OF CONWAY		D 03/09/78	
773-0000000000000		0711990000000000		CITY OF MARKEEVILLE		D 05/08/78	
64-76980000000000						15,235.50	
						29,963.50	

HERITAGE CONSERVATION AND RECREATION SERVICE				PAGE 40	
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Mr. BIAGGI. I asked you a question with relation to the termination of grants. What if any immediate effects have there been as a result of that expected condition?

Mr. STEWART. The Coast Guard called us from Governors Island the other day to ask us specifically what we are doing. I think we are looking down the road. The present funds carry to October 1 of this year. I think the States are merely continuing the program as it has been in the past up until October 1. I think at that time they will have to sit down with their Cabinet secretaries and work out a plan; and I think at that particular time they will let the Coast Guard know specific areas of curtailment.

Mr. BIAGGI. How have Land and Water Conservation Fund monies been used to finance boating facilities projects in individual States?

Mr. STEWART. We are hearing that they aren't and, again, I would like to make a written report on that after I have canvassed the States.

[The following was submitted:]

NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS,
Dover, Del., August 27, 1979.

HON. MARIO BIAGGI,
Chairman, Subcommittee on Coast Guard and Navigation, Washington, D.C.

DEAR REPRESENTATIVE BIAGGI: This is in reply to your letter of July 26, 1979 requesting answers to various questions relating to H.R. 4310.

Following are the questions posed with NASBLA's response.

1. Can you describe the plight of the typical boater in locating and getting to available boating facilities—especially in urban and coastal areas?

Most boaters feel there should be more facilities in the urban and coastal areas. With conservation of fuel a high priority, many believe that additional facilities in the urban area would allow more boaters to launch their boat closer to home, thus eliminating trailering their boat long distances to access ramps.

2. How would the enactment of this program affect the average boater in terms of the continuation of State boating safety programs and provisions of new boating facilities?

The average boater would see the continuation of a boating safety program that responds to boaters in distress, provides an adequate boating education program, provides safety patrols to respond to boaters needs, investigate accidents and administers an efficient boat registration program.

Facilities would grow to meet the ever increasing demand of the boating public.

3. Can you provide specific examples of how selected States would administer the recreational boating facilities portion of the program embodied in this legislation?

In the area of facilities, there would be an increase in quality and quantity of access areas and launching ramp sites, "pump out" facilities, parking ramps in the vicinity of access areas and some marinas.

4. What types of boating facilities do you anticipate would be considered in individual States following the enactment of this legislation?

Believe emphasis would be on smaller ramps in urban areas to accommodate boaters from local areas in order that they may do their boating closer to home. There would also be selected larger access areas with adequate parking in high use areas. Some States would build new marinas and pump out stations.

5. Do you believe future boating activity will be affected by the availability of fuel rather than its price?

The availability of fuel will no doubt be the ruling factor over price.

If the National Association of State Boating Law Administrators can be of further assistance, please let us know.

Sincerely yours,

GEORGE W. STEWART, Jr., President.

NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS,
Dover, Del., August 27, 1979.

Hon. MARIO BIAGGI,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE BIAGGI: During the question period following my testimony at the hearing on H.R. 4310, I was asked to give a written response to various questions regarding boating services and facilities. Attached is a list of the questions followed by our Association's response.

It is requested that the attached response to questions directed to me at the Coast Guard and Navigation Subcommittee hearings on 17 July 1979 be made an official part of the Committee record.

It was certainly our pleasure to give testimony on this important piece of legislation. The National Association of State Boating Law Administrators will be following closely the progress of H.R. 4310 as it moves through the 96th Congress. We stand ready to assist in any way possible.

The National Association of State Boating Law Administrators recognizes and appreciates your untiring efforts to enact legislation designed to make safe and enjoyable boating for all who use our nation's waterways a reality.

Very truly yours,

GEORGE W. STEWART, Jr., *President.*

QUESTIONS FOR THE NATIONAL ASSOCIATION OF STATE BOATING LAW
ADMINISTRATORS

1.(a) Give brief statement on how States have used the Federal grant-in-aid funds to bolster the State boating safety program. (Brief statement.)

Federal grant-in-aid funds have been utilized to:

1. Procure personnel, equipment, books, audio/visual aids, etc., necessary to carry out a State-wide boating education program.

2. Procure personnel and equipment necessary to bring afloat law enforcement and search and rescue capabilities more in accord with the growth in boating.

3. Procure personnel and equipment necessary to establish and maintain aids to navigation in heavily used waters not marked by the U.S. Coast Guard or U.S. Army Corps of Engineers.

4. Purchase equipment necessary to handle the administrative burden caused by the huge increase in the number of registered boats.

5. Procure personnel and equipment necessary to maintain a comprehensive accident investigation and reporting program.

6. Publish handbooks and pamphlets to bring safe boating information to boaters unable to attend education classes.

(b) How will the loss of grant-in-aid funds affect the States? If a curtailment in services, education, etc., explain. (Brief statement.)

Loss of Federal grant-in-aid funds will cause every program listed in 1.(a) above, except perhaps registration and accident investigation, to be severely cut back or cancelled entirely.

(c) Do you believe the State will pick up the slack in the loss of Federal funds?
No.

2. Recognizing that in many States, recreational boating safety and facilities programs are administered by more than one agency or Department, can you evaluate the lead agency concept utilized in this legislation as a coordination and implementation vehicle for State programs?

Most States have separate administrators for recreational boating safety and facilities programs. However, usually these two administrators come under the same Division or Department. Where these are split between two separate Departments, we would visualize an agreement between the Department's naming one as the lead agency. Generally, there appears to be no problem with the lead agency concept.

3. What other Federal programs to which States have been eligible in the past have been utilized by States for boating facilities assistance and development.

Dingell-Johnson fund and the Land and Water Conservation fund. However, many States did not receive any Federal funds for facility development.

With what results? Are these cooperative programs still in effect? Are these programs compatible with the program embodied in this legislation?

Programs are still in effect. The results have been fair to nonexistent. However, most felt these programs would be compatible with the program embodied in H.R. 4310.

4. What effect will anticipated cutbacks in some of these programs have at the State level?

Anticipated revenue generated by H.R. 4310 should more than compensate for any cutbacks under the Land and Water Conservation fund. We do not anticipate any loss from other Federal funded programs, (i.e.) Dingell-Johnson, etc.

5. Do you anticipate any intrastate competition in the application for Federal assistance under alternative programs by virtue of the enactment of this legislation?

No.

Do you consider boating safety and facility improvement projects a priority item at the State level?

Yes.

6. Can you provide a State-by-State profile of State boating facilities programs—including a description of the various State and Federal funding sources utilized for this purpose?

Boating facilities are generally funded, constructed and maintained by the following agencies:

(a) Natural Resources and Environmental Control or Division of Fish and Wildlife. Facilities provided are access ramps and parking areas. Funding is mostly on a cost sharing basis with the Dingell-Johnson fund. This program is funded 75 percent Federal and 25 percent State.

(b) U.S. Army Corps of Engineers. At areas under their charge, provide access ramps, parking areas, campgrounds and rest room facilities.

(c) Tennessee Valley Authority. At some areas under their charge, provide access ramps, parking areas, campgrounds and rest room facilities. At other of their areas, State boating personnel, funds and equipment are used to provide access on TVA reservoirs.

(d) State Parks. At areas under their charge, provide very limited access ramps, marinas, parking facilities and rest room facilities. These are funded either solely by State funds or on a 50% State and 50% Federal matching through the "Land and Water Conservation fund".

(e) Local Government. In a few cases, local governments have constructed launching ramps. Funding has been by the local government and in a few cases on a 50-50 matching share with the Land and Water Conservation Fund.

7. To your knowledge, how many States earmark a portion of their marine fuel tax revenue for boating safety facilities improvement programs?

Thirty-two (32) States earmark their marine fuel tax. They are: Arizona, Alabama, Alaska, Arkansas, California, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, Utah, Virginia, Washington and Wisconsin.

8. What types of boating facilities projects do you anticipate States would implement by virtue of the enactment of this legislation?

There would be an increase in quality and quantity of access areas and launching ramp sites, "pump out" facilities, parking ramps in the vicinity of access areas and some marinas.

9. How has the termination of Federal assistance to State boating safety programs affected these ongoing programs?

The boating safety program is seeing boating safety patrols reduced, distribution of boater's handbook to all registered boaters curtailed, reduced personnel to carry out the boating education program, etc. Through a well designed and perpetuated aid and assistance program such as is provided in H.R. 4310, the States can plan an effective and efficient safety and facilities program. Without it, there is an atmosphere of indecision which could only have a deleterious effect upon the overall national boating safety program. We have already seen in some States where the credibility and effectiveness of the boating program in the budget competition with State legislatures is affected by a move to redirect funds away from the boating program.

10. Can you provide an appraisal of the past "multiplier effect" on State boating safety programs in terms of matching State expenditures with outside Federal assistance—and that which might be anticipated under this legislation for boating safety and facilities improvement programs?

(a) The Federal funds encouraged the States to increase their boating safety programs. This came about by enacting model State boat acts, increasing State programs for boating services realizing that this would draw additional Federal funds. Most States agree that the grant program was significant in increasing safety awareness through an expanded education and professional enforcement program.

The input of Federal grant monies gave the State programs more credibility with their legislatures.

(b) The "multiplier effect" has shown that by matching State funds with Federal funds the progress element was superb as mentioned in paragraph (a) above. With the Federal funds dissolved, the boating program will suffer immensely. Through a well planned and perpetuated program as provided in H.R. 4310, you will see many of the States and local units of government productively providing safety services, facilities, personnel and equipment to meet the growing demands of boating.

11. How have the Land and Water Conservation fund monies been used to finance boating facilities projects in individual States? What types of projects have been developed? How have the boaters in those States responded to this?

The Land and Water funds have not been used extensively. They have been utilized mainly by small local governments to finance launching ramps. State Parks in connection with other Land and Water Conservation projects have included a single access ramp. These park projects have sometimes restricted the use to only nonpowered boats who paid nothing for their development. As the long list of those giving testimony at the hearings on July 17th will attest, the strong support of State officials, the boating public and boating industry for H.R. 4310 reflects their dissatisfaction with the very limited facilities that have been built to date under the Land and Water Conservation fund.

In summary, it is the opinion of the National Association of State Boating Law Administrators that if enacted into law, H.R. 4310 will go far in providing direction and funding for a boating services and facilities program that is sorely needed.

Mr. BIAGGI. Your contribution could be very significant, Mr. Stewart, and I am sure you will recognize what this committee requires. We would appreciate any detailed information that you could provide us with.

I feel that this legislation is important. I would have preferred it if the Coast Guard and the administration supported it, but I am not disheartened by their position. However, I certainly like our position to be reinforced. You are in a position to provide us with substantial material from all of your members in all of the States.

A number of significant questions were raised. If you have difficulty in recollecting, I suggest that you contact our staff and, together, I am sure, we can compile a host of reasons in abundance to sustain our position.

Mr. STEWART. Yes, sir.

Mr. BIAGGI. Somehow or other in this committee, we find laudable objectives. We create legislation that has large support, large segments of support; and we are always confronted with unanticipated obstacles, and it puzzles me in the light of the merits of the situation.

I know that there is a great constituency here in the boating community. You can alert them and that goes to every component of it: the organizations, the administrators and all those people related to the boating industry. They can be alerted.

I am confident that we can muster sufficient grass roots support to have this enacted into law. I appreciate working with you in your usual cooperative manner.

[The following was received for the record:]

NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS,
Jefferson City, Mo., February 15, 1979. -

Hon. MARIO BIAGGI,
Chairman, Coast Guard and Navigation Subcommittee,
U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN BIAGGI: On behalf of President George Stewart and the members of the National Association of State Boating Law Administrators, I am forwarding the enclosed resolution which was adopted in Nashville, Tennessee, on January 25, 1979. This resolution expresses NASBLA's support for the reintroduc-

tion and passage of H.R. 13911 early in the 96th Congress and we respectfully solicit your support to help in our effort.

As you are aware, you introduced H.R. 13911 in the 95th Congress and it was designed to improve recreational boat safety through the financing of boating safety service projects and recreational boating facilities. These programs would be financed through taxes which recreational boaters pay on fuel used in their boats. The federal financial assistance will help the states in maintaining their respective boating safety programs and provide better service to the boating public.

Your assistance in this matter of utmost importance to the boating public will be greatly appreciated.

Very truly yours,

Col. DAN A. NEEDHAM,
Secretary-Treasurer.

FINANCIAL ASSISTANCE

1979 SUPPORT FOR THE REINTRODUCTION AND PASSAGE OF THE BIAGGI BILL

Whereas, the National Association of State Boating Law Administrators had its 1978 annual conference in Seattle, Washington, endorsed the principle of the Biaggi Bill (H.R. 13911 in the 95th Congress) of dedicating federal motorboat fuel tax revenues to a new fund to be used solely for boating facilities and safety services improvement programs; and

Whereas, among state boating administrators the Biaggi Bill has been enthusiastically received as the most sensible solution to the chronic shortage of boating facilities as well as financial impediments to boating safety programs; and

Whereas, the Biaggi Bill is also regarded as a prudent government economy measure avoiding the necessity of any new taxes or appropriations from general revenues; and

Whereas, the Biaggi Bill could also aid energy conservation by helping state and local governments to build more public access in urban areas where the majority of boatmen live and thus save boatmen fuel that would otherwise be used of necessity in traveling far from home; Now, therefore, be it

Resolved, the Executive Committee of the National Association of State Boating Law Administrators meeting in Nashville, Tennessee, January 25, 1979, does hereby express strong support for the reintroduction and passage in the 96th Congress of the Biaggi Bill using federal motorboat fuel tax money solely for boating improvements; and be it further

Resolved, That a copy of this resolution be sent to the Honorable Mario Biaggi, Chairman of the U.S. House Coast Guard and Navigation Subcommittee, the Honorable Howard W. Cannon, Chairman of the U.S. Senate Commerce Committee, and to every member of their respective committees.

Adopted: Nashville, Tenn., January 25, 1979.

THE NORTHEASTERN STATES BOATING ADMINISTRATORS CONFERENCE, *Washington, D.C., March 22, 1979.*

Hon. MARIO BIAGGI,
*Chairman, Coast Guard Subcommittee,
Washington, D.C.*

DEAR REPRESENTATIVE: At the Northeastern States Boating Administrators winter meeting held in New York City, New York, on January 12, 1979, the membership unanimously approved a resolution supporting Congressman Mario Biaggi of New York in his efforts to reintroduce (H.R. 13911).

Attached for your perusal is a copy of the resolution.

Sincerely,

THOMAS M. MCGLYNN, *Secretary-Treasurer.*

RESOLUTION

Whereas, the Northeastern States Boating Administrators Conference at its 1978 Midwinter Meeting went on record in support of the principle of dedicating federal boat fuel tax money exclusively to recreational boating programs; and

Whereas, on August 17, 1978, Congressman Mario Biaggi of New York introduced a bill (H.R. 13911) in the Congress of the United States which embodies the principle endorsed by Northeastern area State boating administrators; and

Whereas, in expectation of the Biaggi bill's reintroduction early in the 96th Congress, the National Association of State Boating Law Administrators reached an

agreement with other major interested parties on amending the bill to be as responsive as possible to the needs of the several states for federal financial assistance for boating facilities and safety services as well as to the needs of the United States Coast Guard in administering the assistance program; and

Whereas, having been circulated with the amendments agreed to, state members of NESBAC expressed no serious reservations about the Biaggi bill as they understand it is amended for reintroduction in Congress and are generally agreed that the bill will serve the greater good of the boating public from the standpoints of safety and facilities improvements; now, therefore, be it

Resolved, That the Northeastern States Boating Administrators conference meeting in New York City, January 12, 1979, does hereby strongly support passage of the Biaggi bill as amended, cited as the Recreational Boating Facilities and Safety Services Improvement Act, by the 96th Congress; and be it further

Resolved, That copies of this resolution be sent to the Honorable Mario Biaggi, Chairman of U.S. House Coast Guard and Navigation Subcommittee, as well as to other Northeastern area Congresspersons on the subcommittee.

STATE OF WISCONSIN,
DEPARTMENT OF NATURAL RESOURCES,
Madison, Wis., September 6, 1978.

Hon. MARIO BIAGGI,
Chairman, U.S. House Coast Guard and Navigation Subcommittee,
U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN BIAGGI: Enclosed is a copy of a resolution that was adopted at our North Central States Boating and Snowmobile Law Administrators meeting held in Oshkosh, Wisconsin August 7-10, 1978.

I would appreciate your subcommittee taking this resolution into consideration.

Sincerely,

DALE P. MOREY,
President, North Central States Boating and
Snowmobile Law Administrators.

Enclosure.

NORTH CENTRAL STATES BOATING AND SNOWMOBILE LAW ADMINISTRATORS ASSOCIATION, RESOLUTION No. 2—EARMARKING FEDERAL MOTORBOAT FUEL TAX FOR BOATING, AUGUST 10, 1978

Whereas, the overwhelming weight of the testimony heard at the February 24, 1978 hearing by the U.S. House Subcommittee on Coast Guard and Navigation on H.R. 10075 to extend Federal financial assistance for State boating safety programs was in favor of the legislation; and

Whereas, in spite of popular support for continuing the Federal financial assistance program, it is doubtful that it could be continued beyond the next fiscal year or two, except at a considerably reduced rate, due to the current budget policy of trimming overall Federal Government expenditures; and

Whereas, it will be difficult for many states, which could not have afforded to institute or upgrade their boating programs without Federal financial assistance, to maintain their present level of performance in improving boating safety without any guarantees of continued long-term Federal aid; and

Whereas, there is a way of guaranteeing long-term support of State boating programs, which came out in testimony at the Coast Guard and Navigation Subcommittee, namely earmarking Federal motorboat fuel tax revenues exclusively for boating safety and facilities development; and

Whereas, State boating administrators and the boating public and industry have collaborated on drafting legislation to use Federal motorboat fuel tax revenues for legitimate boating purposes; now therefore, be it

Resolved, That the North Central States Boating and Snowmobile Law Administrators' Association meeting in Oshkosh, Wisconsin, August 10, 1978, does hereby urge the U.S. House Coast Guard and Navigation Subcommittee not only to extend the Federal financial assistance program for state boating safety programs beyond fiscal 1979 but to approve legislation earmarking Federal Motorboat fuel tax monies exclusively for boating safety and boating facilities development to overcome the chronic shortfall of Federal financial assistance for these purposes; and be it further

Resolved, That a copy of this resolution be forwarded to the Honorable Mario Biaggi, Chairman of the U.S. House Coast Guard and Navigation Subcommittee and to the following North Central area congressmen on the Subcommittee: (1) The

Honorable David E. Bonier, Michigan's Twelfth Congressional District; (2) The Honorable James L. Oberstar, Minnesota's Eighth Congressional District; (3) The Honorable Carroll Hubbard, Jr., Kentucky's First Congressional District; (4) The Honorable Marion Gene Snyder, Kentucky's Fourth Congressional District.

WESTERN STATES BOATING ADMINISTRATORS ASSOCIATION,
July 24, 1979.

Hon. MARIO BIAGGI,
House of Representatives, Washington, D.C.

DEAR MR. BIAGGI: The enclosed Resolution was passed at the recent conference of the Western States Boating Administrators Association held in Sacramento, California, and is being forwarded for your information.

If I can provide any additional information concerning the contents of this Resolution, please feel free to contact me directly.

Sincerely,

MARTY MERCADO, *President.*

Enclosure.

WESTERN STATES BOATING ADMINISTRATOR'S ASSOCIATION RESOLUTION No. 1 IN
SUPPORT OF H.R. 4310, SACRAMENTO, CALIF., JUNE 22, 1979.

Whereas, the Honorable Mario Biaggi and other Congressmen have introduced a bill in Congress, designated H.R. 4310, to apply \$30 million a year of Federal Marine fuel tax revenue to the assistance of the several States in carrying on vital boating safety and boating facilities improvement projects; and

Whereas, the Biaggi Bill is seen as the best hope for the salvation of state boating safety efforts which otherwise face sharp curtailments, if not abandonment, because of the termination of Congressional appropriations from general revenues; and

Whereas, the Biaggi Bill is also regarded as the most sensible approach to funding more boating access by letting the boatmen pay their own way by use of the Federal tax on fuel used in boats; and

Whereas, the Biaggi Bill would be a positive inducement to more states to set aside state fuel taxes attributable to boating as a way of matching Federal financial assistance for boating purposes; now, therefore be it

Resolved, That the Western States Boating Administrators Association, meeting in Sacramento, California this 22nd day of June, 1979, does hereby strongly support passage by the Congress of the United States of H.R. 4310; and be it further

Resolved, That to this end the President of WSBAA is hereby instructed to send a copy of this resolution to the Honorable Mario Biaggi, to every Western area Representative who serves on the Coast Guard and Navigation Subcommittee, i.e. Don L. Bonker—State of Washington, Third District Paul N. McCloskey, Jr.—California Twelfth District; Don Young—Alaska.

COMMONWEALTH OF KENTUCKY,
DEPARTMENT OF TRANSPORTATION,
Frankfort, Ky., July 24, 1979.

Hon. MARIO BIAGGI,
House of Representatives, Washington, D.C.

DEAR MR. BIAGGI: The Southeastern States Boating Law Administrator's Association meeting in Conference at Louisville, Kentucky unanimously adopted a resolution urging the passage by Congress of H.R. 4310. Passage of this bill is vitally important to every state boating agency and every boater in the United States.

As president of the Southeastern States Boating Law Administrator's Association, I strongly urge and request your favorable action on this bill in behalf of the States of Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Oklahoma, Texas, Tennessee, Georgia and Virginia.

Your support is urgently needed.

Sincerely yours,

H. DOUG SHOULDERS.

SOUTHEASTERN STATES BOATING LAW ADMINISTRATORS' ASSOCIATION RESOLUTION
No. 1 IN SUPPORT OF H.R. 4310, LOUISVILLE, KY., JUNE 14, 1979.

Whereas, the Honorable Mario Biaggi and other Congressmen have introduced a bill in Congress, designated H.R. 4310, to apply \$30 million a year of Federal marine

fuel tax revenue to the assistance of the several States in carrying on vital boating safety and boating facilities improvement projects; and

Whereas, the Biaggi Bill is seen as the best hope for the salvation of state boating safety efforts which otherwise face sharp curtailment, if not abandonment because of the termination of Congressional appropriations from general revenues; and

Whereas, the Biaggi Bill is also regarded as the most sensible approach to funding more boating access by letting the boatmen pay their own way by use of the Federal tax on fuel used in boats; and

Whereas, the Biaggi Bill would be a positive inducement to more states to set aside state fuel taxes attributable to boating as a way of matching Federal financial assistance for boating purposes; now, therefore be it

Resolved, That the Southeastern States Boating Law Administrators' Association, meeting in Louisville, Kentucky, this 14th day of June, 1979, does hereby strongly support passage by the Congress of the United States of H.R. 4310; and be it further

Resolved, That to this end the President of SESBLAA be and he is hereby instructed to send a copy of this Resolution to the Honorable Mario Biaggi, to every Southeastern area Representative who serves on the U.S. House Coast Guard and Navigation Subcommittee to which H.R. 4310 has been assigned, to every other Southeastern area Representative and Senator in the Congress, and to the Commandant of the United States Coast Guard.

RESOLUTION IN SUPPORT OF EARMARKING FEDERAL MOTORBOAT FUEL TAX REVENUE FOR BOATING PURPOSES ADOPTED AT THE MARINE POLICE OPERATIONS CONFERENCE, TERRY CAMPUS OF DELAWARE TECHNICAL AND COMMUNITY COLLEGE, DOVER, DEL., MARCH 19-22, 1978

Whereas, The Land and Water Conservation Fund, administered by the U.S. Department of the Interior, is supported in part by the Federal tax on fuel used in boats, but no taxes are collected on forms of recreation other than boating for the Fund's purpose of funding outdoor recreation resources development; and

Whereas, boaters have contributed close to \$350 million in Federal fuel taxes since the inception of the Land and Water Conservation Fund, and, at today's fuel tax rate and estimated fuel consumption will continue to pay the Fund increments of \$30 million a year; and

Whereas, the National Heritage and Recreation Service Agency of the U.S. Department of the Interior, which allocates monies from the Land and Water Conservation Fund in part to other Federal agencies and in larger part to the several States to be used on a matching basis for outdoor recreation projects, is unable to ensure the use of any part of Fund allocations for boating improvements; and

Whereas, boaters demand to know why there are not enough boating facilities or marine patrolmen to take care of their needs in the light of all the Federal fuel taxes they have paid into the Land and Water Conservation Fund; and

Whereas, now that increased annual receipts by the Land and Water Conservation Fund from such sources as off-shore mineral leases vastly exceed annual receipts from Federal boat fuel taxes, so that the Fund can afford to do without Federal boat fuel taxes, boaters are asking that their money be taken out of the Fund and earmarked to a Coast Guard administered fund to be used exclusively for boating facilities and safety services; and

Whereas, marine patrolmen can and do sympathize with the need for using boaters' money for boating purposes; now, therefore, be it

Resolved, by the Marine Police Operations Conference, meeting in Dover, Delaware, March 19-22, 1978, that Federal boat fuel tax revenues be earmarked for use by the U.S. Coast Guard as Federal financial assistance to the States for boating facilities, education and law enforcement programs that will enhance boaters safety and enjoyment; and be it further

Resolved, That copies of this resolution be forwarded to the Honorable Mario Biaggi, Chairman of the U.S. House Coast Guard and Navigation Subcommittee, and to Admiral Owen Siler, Commandant of the U.S. Coast Guard, asking for their support.

Passed unanimously March 21, 1978.

Mr. BIAGGI. I have two questions for the Administrator from New York.

Mr. STEWART. Mr. Delaney left. He and Mr. Prenderville left. He was with us earlier.

Mr. BIAGGI. We will give him these two questions. If he is not here, we will get responses from him.

[Nothing was received at time of printing.]

Mr. BIAGGI. Mr. Bruce.

Mr. BRUCE. In the light of Mr. Prenderville's statement that New York received \$22 million and there is \$70 million or so pending, have the members of your association given any thought to whether the Water and Land Conservation Fund would continue to be funded at the same House-recommended level if this bill were passed?

Mr. STEWART. I wouldn't have an answer to that. It is something that we could look into. I believe some of the witnesses that are following me have looked into it.

Mr. BRUCE. I asked that question so that other witnesses might look at this and perhaps, of their own volition, respond.

Thank you.

Mr. BIAGGI. Thank you very much, George.

We have a vote on the floor. We will be recessing in a few minutes. The next panel will be Barry Golomb, Esq., president, National Boating Federation; accompanied by Mr. Ron Stone, immediate past president, and Mr. Al Simon, a member. Also, Mr. Richard Schwartz, executive director, Boat Owners Association of the United States, and Commodore Eve Finch, legislative liaison, Potomac River Yacht Clubs Association.

Please come forward. I will be back in 10 minutes.

[Brief recess.]

Mr. BIAGGI. The meeting is called to order.

How extensive are your prepared statements?

STATEMENT OF BARRY GOLOMB, PRESIDENT, NATIONAL BOATING FEDERATION, NEW YORK, N.Y., ACCOMPANIED BY RON STONE, IMMEDIATE PAST PRESIDENT; AL SIMON; AND RICHARD SCHWARTZ, EXECUTIVE DIRECTOR, BOAT OWNERS ASSOCIATION OF THE UNITED STATES, ALEXANDRIA, VA.; AND COMMODORE EVE FINCH, LEGISLATIVE LIAISON, POTOMAC RIVER YACHT CLUBS ASSOCIATION, SHADY SIDE, MD.

Mr. GOLOMB. Mine is fairly extensive, Mr. Chairman. I do expect to omit portions of it which are not really necessary to read orally, and I also expect to add some things that are not in my prepared statement.

Mr. BIAGGI. Fine.

Let's proceed. We will have your entire testimony included in the record in addition to your oral comments.

[The following was received for the record:]

STATEMENT OF BARRY GOLOMB, PRESIDENT, NATIONAL BOATING FEDERATION

Thank you for this opportunity to address the important questions presented by H.R. 4310. While every citizen has a constitutional right to petition his government, I regard my invitation to speak at this hearing as a privilege of which I am duly appreciative.

NATIONAL BOATING FEDERATION

My name is Barry Golomb and I appear today as President of National Boating Federation, an association of State, Regional and National organizations throughout the Country, representing in the aggregate approximately one and a half million

American recreational boatmen and their families. Those member organizations include:

B.O.A.T. (Boat Owners Associated Together, California).
 California Marine Parks & Harbors Association.
 Chesapeake Bay Yacht Clubs Association.
 Federated Boatmen of New Jersey.
 Federated Boatmen of New York, Inc. (of which I am also president).
 Florida Council of Yacht Clubs, Inc.
 Interclub Boating Association of Washington.
 International Order of the Blue Gavel.
 Lake Michigan Yachting Association, Inc.
 Massachusetts Bay Yacht Clubs Association, Inc.
 Outboard Boating Club of America.
 Pennsylvania Boating Association.
 United States Yacht Racing Union.
 Wisconsin Boating Association.
 American Water Ski Association.
 Northwestern Boating Council.
 Recreational Boating Interface Subcommittee of American Waterway Operations Association.

MY OWN QUALIFICATIONS

Personally, I hold or have held various positions in other boating-related organizations or bodies. I am a member of New York State's Boating Advisory Committee, an officer of United States Power Squadrons at the District level, a Past Commodore of a yacht club in New York, and a former leader in the nautical branch of the Boy Scouts of America, the Sea Explorers, formerly called Sea Scouts. My own involvement in boating spans 40 years.

I have been engaged in the full time practice of law in New York City since 1951. At the same time, I have held various part-time positions, some compensated and some uncompensated, in local government, and one in the Federal Government. Currently, I am Acting Village Justice of the Village of Ardsley, in Westchester County, New York, where I reside; formerly, I was its municipal Counsel and an Assistant District Attorney. I have testified previously before both Legislative and Administrative hearings on boating subjects.

RECREATIONAL BOATING AND BOATMEN

The recreational boating boom really acquired substantial momentum after the close of World War II. J. P. Morgan's famous dictum that, if you have to ask how much it costs you can't afford it, whatever may have been its validity in an earlier era, became obsolete by about 1947. Boating became the province of the average person and one of the most popular and fastest growing recreational activities in the Country.

Today, there are about 14,000,000 recreational boats of all sizes in the United States, utilized by more than 50,000,000 residents, and both figures have far more than doubled in less than a decade. This amounts to about 10 percent as many boats as there are motor vehicles of all kinds. In New York, there are more than 400,000 pleasure boats—and about 62 percent of them are under 16 feet in length, while only about 6 percent are over 26 feet. The mental picture of giant yachts is more than a generation out of date. The State's Comprehensive Recreation Program Five Year Review and report to the Department of Interior which, as a member of the special Advisory Committee, I helped in a small way to prepare, states that recreational boating is one of New York's largest participation outdoor recreational activities, involving an average of 400,000 persons on a summer weekend day, and ranking ahead of camping, skiing, golfing, hunting and fishing; the State projects an increase in participation of almost 27 percent by 1990, which far outstrips all projections for other outdoor recreational pursuits. The average boatman has annual gross income of \$18,250, bought his boat used and about 8 years old, and is neither a professional nor technical worker. While there is some variation from state to state, this picture is typical of boats, boating and boatmen across the Nation.

These are the people who, through their grass roots boating clubs and organizations, elected me President of the National Boating Federation—my constituents as well as yours—and on their behalf and as their spokesman I ask you to approve and help adopt H.R. 4310.

MARITIME JURISDICTION

Let me emphasize that this is not the case which I presume members of the Congress see every day, of the attempt to push onto the Federal Government the expense of a project equally appropriate or more appropriate for State financing. In a legal and historic sense, this is a special and different case, since the maritime jurisdiction of the United States always has been recognized as peculiarly federal. There is room to argue about the propriety or validity of federal expenditure in pursuance of many other purposes and projects, but it is beyond argument that water projects are proper subjects for Federal regulation and funding.

Indeed, various Congressional enactments, some hallowed by time and long observance, constitute the navigable waters of the United States forever free, public highways. Among the more famous are the Ordinance of 1787 as to the then Northwest Territory, the Act of May 24, 1828, so conditioning a grant of lands to the State of Ohio, the acts of July 5, 1884 and of May 18, 1880, Chapter 92, and the present 33 U.S.C. § 5, which abolishes tolls on federal waterways and provides for the maintenance thereof out of any unappropriated funds without even resource to the Congress for appropriation. Clearly, then H.R. 4310 deals with a legitimate subject for Federal funding, even before considering that it is an amendment to the Federal Boat Safety Act of 1971.

EFFECT OF PROGRAM

By continuing and expanding the motivation for the States to raise matching funds, it also assures the maximum benefit for each federal dollar expended. Economic efficiency has another aspect as well—the reduction or prevention of the undue growth of another category of federal expense, the Coast Guard's Search & Rescue operations. These have grown, of course, as boating has grown, and doubtless necessarily will continue to grow. However, experience has taught what will and what will not reduce accidents, including fatalities, and thereby the need for expensive Coast Guard assistance. No panaceas such as licensing will work, but the education, law enforcement and other safety services, and the development of facilities to decrease concentration and crowding or make access safer where crowding will continue, which H.R. 4310 will provide, has worked, does work and will work.

In addition to the States' own matching funds, it is likely that the bill will encourage considerable private investment, particularly in the facilities aspect. The industries directly related to recreational boating, ranging from medium to very small, involving over 2,500 manufacturers, over 5,000 commercial marinas and about a like number of service businesses, and employing, at an estimate, well over 750,000 people, will be moved by normal economic considerations to expand their activities and expenditures to serve the growth in boating which will be made possible by the proposed program.

SOURCE OF FUNDS

Where does the federal money come from? The heart of H.R. 4310 is the source of the funds—the fuel taxes paid by boatmen themselves. Let's look briefly at the history of those taxes. Originally, fuel taxes were intended to be imposed only on land-operated motor vehicles, to finance roads and highways. The concept was one of charging the user with the costs of building and operating the improvements. Other "off-highway" fuel users were caught up in the tax almost by accident and, before long, credits for farm, aviation and marine use came into the law. What is now the Highway Revenue Act of 1956 basically placed fuel taxes from motor vehicles into a Highway Trust Fund but made other arrangements for non-highway taxes. An aviation Trust Fund was created into which aviation fuel tax money is placed, in order to benefit aviation. H.R. 4310 proposes, for the first time, equity and parity for marine fuel-tax payers.

SIMPLE JUSTICE

Please note that the usual arguments against the so-called dedicated fund do not apply; tacitly, they all presuppose dedication of a fund out of the general revenues, at the expense of the general taxpayers. This is entirely different; it consists of a returning to the users of a portion of the benefit of a tax they pay on the theory of charging the users with the cost of the benefit. The precise opposite of providing a benefit without charge is imposing that very type of charge without benefit. That is what boatmen have lived with for some years. I repeat, H.R. 4310 proposes equity and parity with other fuel-tax payers. It terminates an invidious discrimination against the nation's boatmen, which Congress never intended.

ADMINISTRATION

The program set up by the Bill would be administered by the United States Coast Guard, providing a number of advantages. Clearly, it ties in with various other missions of that Service; Search & Rescue already has been mentioned, marine safety is another obvious example, law enforcement is a clear illustration and education is a further major activity; only the facilities aspect is new, and that is closely related to the other programs and involves similar contacts with the States. The Coast Guard is able quite easily to undertake the activities under H.R. 4310, all of which be self-financing under the provisions of the Bill, as far as can be anticipated.

Let me interject that the Coast Guard is an extraordinary agency. It is able to prepare for and carry out both military and civilian functions, to regulate the conduct of large numbers of people without either becoming their puppet or arousing their resentment, to deal with States, individuals and other Federal agencies and to gain and maintain the respect of all concerned—even when they disagree. There is no better public relations ambassador to the public in the entire Federal government than the United States Coast Guard. Any program placed in its hands enjoys a very special advantage.

SAFETY PROGRAM

What is the program of H.R. 4310? Its two parts are Safety and Facilities. The former continues, expands and improves upon the safety program under the Federal Boat Safety Act of 1971. That, too, was a matching funds, cooperative program with the States. It cut the rate of fatalities per given number of boats, to pick the most dramatic illustration, by 50 percent and, even in the face of the rapid expansion of boating already described, cut the absolute annual number of fatalities, as well. This remarkable result was achieved with an authorization of \$10,000,000 of which, in most recent years, only about \$5,000,000 actually was made available. As you know, no further appropriations at all are expected to be made under the present provision of law, doubtless in large part because it seems inappropriate under present economic circumstances to saddle the general taxpayer much longer with various specialized expenditures. H.R. 4310 provides the alternate source of funds from the users' own fuel taxes, and will maintain for Safety, Education and similar programs approximately a full \$10,000,000 per year. The burden on the general revenue will be eliminated and the benefit more than doubled—a combined result not too commonly achieved.

FACILITIES PROGRAM

The Facilities part of the program has no counterpart in existing Federal law affecting recreational boating. It recognizes that a base of some kind is just as essential to boating as to any other activity. Thus, providing tennis instruction is futile if all the tennis courts are deteriorating progressively from lack of maintenance and no new ones are being built. In the same fashion boating have more than doubled in the last decade requires more and improved facilities. Many of these are provided by private industry, of course, but many cannot be so handled and State programs intended to deal with the facilities gap require the funds and the shot-in-the-arm which H.R. 4310 will provide. An absolute essential, long overlooked or ignored, is dealt with most constructively in this Bill; I think it is fair to say that the Facilities portion of the program will make the enjoyment of our waters by more people a practical and realistic expectation rather than a purely theoretical possibility. Approximately \$20,000,000 annually is provided for this purpose. It is desperately needed.

RELATIONS WITH STATES

The continuation and cementing of the Federal-State partnership in recreational boating is salutary. H.R. 4310 seems to me to allow the States increased scope for initiative and planning, while maintaining careful supervision and Federal control of minimum standards. As a member of New York's Boating Advisory Council, I have commended this Bill to that State.

NO ONE HURT

The transfer of \$30,000,000 per year total into the new National Recreational Boating Safety and Facilities Improvement Fund created by the Bill will not even hurt the unrelated Fund previously credited with marine fuel tax revenues; that Fund now receives about \$300,000,000 annually from Continental Shelf Off-Shore

Drilling Lease revenues, or 10 times the boating revenues involved in this Bill, and substantial increases are anticipated.

UNIQUE OPPORTUNITY

This creates the rare and happy situation we now face: no one is hurt, 50,000,000 people benefit, an unintended injustice is eliminated, fair and equal treatment is accorded, a tested and proven program in a peculiarly Federal area is continued and expanded, all at no cost to the general taxpayer, not even the cost of administration, while eliminating even that small drain on the general revenue which existed under the Federal Boat Safety Act of 1971. I can recall no other equally fortunate—or well designed—combination.

CONCLUSION

On behalf of the million and a half members of National Boating Federation, their families and friends, and the rest of the 50 million participants in the sport of recreational boating, I want to thank the proponents and sponsors of H.R. 4310 for introducing it, I want to urge the two Committees to which it has been referred to report most favorably and promptly on it and I want to urge sincerely its immediate enactment into law by the Congress.

Thank you.

Mr. GOLOMB. Thank you for this opportunity to address the important questions presented by H.R. 4310. While every citizen has a constitutional right to petition his government, I regard my invitation to speak at this hearing as a privilege of which I am duly appreciative and as a compliment to the organization which I am privileged to head.

My name is Barry Golomb. I appear today as president of National Boating Federation, an association of State, regional, and national organizations throughout the country, representing in the aggregate approximately 1½ million American recreational boatmen and their families.

We have members in 47 States from coast to coast, from Mexico and the gulf to Canada. Our principal function is the representation of the views of these members, the average recreational boatmen. We are so structured as to facilitate discussion and transmission of those views.

I will not present orally the list of our constituent member organizations which are set forth in my prepared testimony except to say that inadvertently I omitted to list our newest member, Chesapeake Bay Yacht Racing Association. I ask that it be added.

I also will omit from the oral statement my personal qualifications and background in boating, law enforcement and other related subjects, which appear in the record. I will add that I was brought up in Bronx County, learned to row in Bronx Park, and learned to sail off Locust Point and Throggs Neck some 40 years ago.

Mr. BIAGGI. Still a pretty nice place.

Mr. GOLOMB. Yes, sir.

The recreational boating boom really acquired substantial momentum after the close of World War II. J. P. Morgan's famous dictum that, if you have to ask how much it costs, you can't afford it, whatever may have been its validity in an earlier era, became obsolete by about 1947. Boating became the province of the average person and one of the most popular and fastest growing recreational activities in the country.

Today, there are about 14 million recreational boats of all sizes in the United States, utilized by more than 50 million residents, and both figures have far more than doubled in less than a decade.

This amounts to about 10 percent as many boats as there are motor vehicles of all kinds.

In New York, there are more than 400,000 pleasure boats, and about 62 percent of them are under 16 feet in length, while only about 6 percent are over 26 feet.

The mental picture of giant yachts is more than a generation out of date, at least so far as averages are concerned.

The State's comprehensive recreation program 5-year review and report to the Department of the Interior which, as a member of the Special Advisory Committee, I helped in a small way to prepare, states that recreational boating is one of New York's largest participation outdoor recreational activities, involving an average of 400,000 persons on a summer weekend day, and ranking ahead of camping, skiing, golfing, hunting and fishing; the State projects an increase in participation of almost 27 percent by 1990, which far outstrips all projections for other outdoor recreational pursuits.

The average boatman has an annual gross income of \$18,250, bought his boat used and about 8 years old, and is neither a professional nor technical worker. This is a picture of an average citizen. While there is some variation from State to State, this picture is typical of boats, boating, and boatmen across the Nation.

These are the people who, through their grassroots boating clubs and organizations, elected me president of the National Boating Federation—my constituents as well as yours—and on their behalf and as their spokesman, I ask you to approve and help adopt H.R. 4310.

MARITIME JURISDICTION

Let me emphasize that this is not the case which I presume Members of the Congress see every day, of an attempt to push onto the Federal Government the expense of a project equally appropriate or more appropriate for State financing.

In a legal and historic sense, this is a special and different case, since the maritime jurisdiction of the United States always has been recognized as particularly Federal. There is room to argue about the propriety or validity of Federal expenditure in pursuance of many other purposes and projects, but it is beyond argument that water projects are proper subjects for Federal regulation and funding. I will omit the paragraph of my prepared statement which deals with the statutes in which Congress in the past has referred to and made the waterways of the United States forever a free public highway. These go back to the earliest days and continue to statutes presently in force.

Turning to the effects of the program, H.R. 4310 would amend the Federal Boat Safety Act of 1971 to create a new national program devoted to the improvement of recreational boating safety and facilities.

By continuing and expanding the motivation for the States to raise matching funds, it also assures the maximum benefit for each Federal dollar expense.

Economic efficiency has another aspect as well—the reduction or prevention of the undue growth of another category of Federal expense, the Coast Guard's search and rescue operations. These have grown, of course, as boating has grown, and doubtless necessarily will continue to grow.

However, experience has taught what will and what will not reduce accidents, including fatalities, and thereby the need for expensive Coast Guard assistance.

No panaceas such as licensing will work, but the education, law enforcement and other safety services, and the development of facilities to decrease concentration and crowding or make access safer where crowding will continue, which H.R. 4310 will provide, has worked, does work, and will work.

In addition to the States own matching funds, it is likely that the bill will encourage considerable private investment, particularly in the facilities aspect.

The industries directly related to recreational boating, ranging from medium to very small, involving over 2,500 manufacturers, over 5,000 commercial marinas and about a like number of service businesses, and employing, at an estimate, well over 750,000 people, will be moved by normal economic considerations to expand their activities and expenditures to serve the growth in boating which will be made possible by the proposed program.

SOURCE OF FUNDS

Where does the Federal money come from? The heart of H.R. 4310 is the source of the funds—the fuel taxes paid by boatmen themselves. Let's look briefly at the history of those taxes.

Originally, fuel taxes were intended to be imposed only on land-operated motor vehicles, to finance roads and highways. The concept was one of charging the user with the cost of building and operating the improvements. Other off-highway fuel users were caught up in the tax almost by accident and, before long, credits for farm, aviation, and marine use came into the law.

What is now the Highway Revenue Act of 1956 basically placed fuel taxes from motor vehicles into a highway trust fund but made other arrangements for nonhighway taxes. An aviation trust fund was created into which aviation fuel tax money is placed in order to benefit aviation. H.R. 4310 proposes, for the first time, equity and parity for marine fuel taxpayers.

Moreover, until very recently, one half of the marine fuel tax was refundable as a credit against income taxes, and that recently has been eliminated.

Please note that the usual arguments against the so-called dedicated fund do not apply; tacitly, they all presuppose dedication of a fund out of the general revenues, at the expense of the general taxpayers.

This is entirely different; it consists of a returning to the user of a portion of the benefit of a tax they paid on the theory of charging the users with the cost of the benefit. The precise opposite of providing a benefit without charge is imposing that very type of charge without benefit. That is what boatmen have lived with for some years. I repeat, H.R. 4310 proposes equity and parity with

other fuel-tax payers. It terminates an invidious discrimination against the Nation's boatmen, which Congress never intended.

ADMINISTRATION

The program set up by the bill would be administered by the U.S. Coast Guard, providing a number of advantages.

Clearly, it ties in with various other missions of that Service; search and rescue already has been mentioned, marine safety is another obvious example, law enforcement is a clear illustration, and education is a further major activity; only the facilities aspect is new, and that is closely related to the other programs and involves similar contacts with the States.

The Coast Guard is able quite easily to undertake the activities under H.R. 4310, all of which would be self-financing under the provisions of the bill, as far as can be anticipated.

Let me interject that despite its incredible position here today, the Coast Guard is an extraordinary agency. It is able to prepare for and carry out both military and civilian functions, to regulate the conduct of large numbers of people without either becoming their puppet or arousing their resentment, to deal with States, individuals, and other Federal agencies and to gain and maintain the respect of all concerned—even when they disagree.

There is no better public relations ambassador to the public in the entire Federal Government than the U.S. Coast Guard. Any program placed in its hands enjoys a very special advantage.

SAFETY PROGRAM

What is the program of H.R. 4310? Its two parts are safety and facilities.

The former continues, expands and improves upon the safety program under the Federal Boat Safety Act of 1971. That, too, was a matching funds, cooperative program with the States. It cut the rate of fatalities per given number of boats, to pick the most dramatic illustration, by 50 percent and, even in the face of the rapid expansion of boating already described, cut the absolute annual number of fatalities as well.

This remarkable result was achieved with an authorization of \$10 million, of which, in most recent years, only about \$5 million actually was made available. As you know, no further appropriations at all are expected to be made under the present provision of law, doubtless in large part because it seems inappropriate under present economic circumstances to saddle the general taxpayer much longer with various specialized expenditures.

H.R. 4310 provides the alternate source of funds from the users own fuel taxes, and will maintain for safety and education and similar programs approximately a full \$10 million per year. The burden on the general revenue will be eliminated and the benefit more than doubled—a combined result not too commonly achieved.

FACILITIES PROGRAM

The facilities part of the program has no counterpart in existing Federal law affecting recreational boating. There has never been a

facilities program at all. Incidentally, for this reason, there can be no such duplication or fragmentation of a boating facilities program as Admiral Thompson posited.

It recognizes that a base of some kind is just as essential to boating as to any other activity. Thus, providing tennis instruction is futile if all the tennis courts are deteriorating progressively from lack of maintenance and no new ones are being built.

In the same fashion boating having more than doubled in the last decade requires more and improved facilities. Many of these are provided by private industry, of course, but many cannot be so handled and State programs intended to deal with the facilities gap require the funds and the shot in the arm which H.R. 4310 will provide.

An absolute essential, long overlooked or ignored, is dealt with most constructively in this bill; I think it is fair to say that the facilities portion of the program will make the enjoyment of our waters by more people a practical and realistic expectation rather than a purely theoretical possibility.

For example, a detailed survey by the Oregon State Marine Board established the need for an immediate \$8 million facilities program in that State. Thus far, \$750,000 on a 2-year basis, has been found for the purpose. The nine-county San Francisco area is short 5,000 slips with long waiting lists for those which exist.

Chicago's Lake Michigan shore has a total of only 5,000 slips, with the result that residents drive to other States to find berths, which, incidentally, hardly conserves automobile gasoline. Although intrastate, the same is true in New York, and worse; the office of parks and recreation established a tremendous amount of travel due primarily to the inability to find local services and facilities in the county of residence.

On the Genesee River, the only chance to find dockage lies in purchasing a boat from the marina, and that does not always work, either.

Long ago, Congress realized that better highways and related access ramps and other facilities improved driving safety. H.R. 4310 recognizes that better marine facilities should improve boating safety.

Approximately \$20 million annually is provided for this purpose. It is desperately needed.

The continuation and cementing of the Federal-State partnership in recreational boating is salutary. H.R. 4310 seems to me to allow the States increased scope for initiative and planning, while maintaining careful supervision and Federal control of minimum standards. As a member of New York's Boating Advisory Council, I have commended this bill to that State. That council adopted a resolution to that effect which may have contributed in some small way to shaping the New York position so ably presented here today by Commissioner Prenderville.

The transfer of \$30 million per year total into the new national recreational boating safety and facilities improvement fund created by the bill will not even hurt the unrelated fund previously credited with marine fuel tax revenues; that fund now receives \$300 million annually from Continental Shelf off-shore drilling lease

revenues, or 10 times the boating revenues involved in this bill, and substantial increases are anticipated.

For fiscal 1980, it is expected that the Heritage fund will receive \$900 million from the same source.

Mr. BIAGGI. Mr. Golomb, the bells have tolled once again. It will require another 10-minute recess.

Mr. GOLOMB. All right, sir.

[Brief recess.]

Mr. BIAGGI. The meeting is called to order.

Mr. Golomb.

Mr. GOLOMB. Shall I continue, sir?

Mr. BIAGGI. Yes.

Mr. GOLOMB. I was speaking of the heritage fund and the fact that it would not be hurt by H.R. 4310. Without that bill, however, boating is hurt. The Heritage fund or its predecessor, land and water conservation fund, the former name for the same entity, never considered boating a part of its concern or constituency, despite the fact that boatmen are the only identifiable contributors to that fund in its history.

In 1976, the National Boating Federation, after about 8 years of inquiring, obtained from the then Bureau of Outdoor Recreation, BOR, a printout of some 1861 projects across the country claimed to be of benefit to recreational boatmen.

We checked with our member organizations, with State boating law administrators, and others. We managed actually to identify some of these projects. They included, for example, the maintenance of the battleship *Alabama* in Mobile Bay as a public monument, a tennis court in Wisconsin, and a lagoon in a city park in New Orleans. We were not convinced that these were of assistance to recreational boatmen.

Our investigation revealed some distortion: For example, a \$2 million park with a single launching ramp listed by BOR as a \$10 million boating facility. Far less than one-half the projects listed had any connection with boating at all, and the dollar significance for recreational boating was overstated by perhaps 10,000 percent.

These facts raise some question as to the precise meaning of Rear Admiral Thompson's remarks on the heritage fund at page 4 of his prepared testimony. In any event, as already indicated, H.R. 4310 will not hurt the heritage fund one bit.

This creates the rare and happy situation we now face: No one is hurt; 50 million people benefit, an unintended injustice is eliminated, fair and equal treatment is accorded, a tested and proven program in a peculiarly Federal area is continued and expanded, all at no cost to the general taxpayer, not even the cost of administration, while eliminating even that small drain on the general revenue which existed under the Federal Boat Safety Act of 1971. I can recall no other equally fortunate—or well-designed—combination.

On behalf of the 1½ million members of National Boating Federation, their families and friends, and the rest of the 50 million participants in the sport of recreational boating, I want to thank the proponents and sponsors of H.R. 4310 for introducing it, I want to urge the two committees to which it has been referred to report

most favorably and promptly on it and I want to urge sincerely its immediate enactment into law by the Congress.

Thank you.

I would be happy to answer any questions to the best of my ability.

Mr. BIAGGI. Thank you, Mr. Golomb.

Mr. SIMON. Mr. Chairman and members of the subcommittee, in the interest of time, I would like to submit my testimony in writing to your committee. The only comments I wish to make is that the Chesapeake Bay Yacht Club Association, who I am speaking for, with in excess of 25,000 boaters, endorses H.R. 4310. We see benefit to the boatmen which express their concern that this is their money and we would like to put it where it rightfully belongs.

We represent the States of Delaware, Maryland, Pennsylvania, Virginia, and the District of Columbia, and all the boatmen express their desire and endorsement of this bill.

Mr. BIAGGI. Thank you very much.

Mr. Simon, without objection, your statement will be included in the record.

[The following was received for the record:]

STATEMENT OF AL SIMON ON BEHALF OF THE CHESAPEAKE BAY YACHT CLUBS
ASSOCIATION

Mr. Chairman and members of the subcommittee, my name is Al Simon. I am a long time boater and a member of the Federal Boat Safety Advisory Council, and a member of the Executive Board of the American Boat and Yacht Council. I am also a member of the Chesapeake Bay Yacht Clubs Association and am here to testify on behalf of that Association. I would like to outline today some of the problems facing the more than 25,000 Chesapeake Bay boaters who are members of the Association, and how H.R. 4310, introduced by Chairman Biaggi and his cosponsors, would help alleviate those problems.

The Chesapeake Bay is a popular place for boating, because it serves the states of Delaware, Maryland, Pennsylvania and Virginia as well as the District of Columbia. In fact, it is so popular that there are days when a harbor like Annapolis harbor is practically a sea of boats. When there are a lot of boats in a small area, each skipper has to know what to do at all times; otherwise, he is a navigational hazard to himself and others.

One of the ways in which H.R. 4310 would help the boaters of the Chesapeake Bay is that it would allow the states to continue their boater education programs. These programs help guarantee that each skipper does know exactly what to do when he encounters crowded conditions, and that would allow the Bay's popular harbors to be navigated in safety.

It has been demonstrated that state-run boater education programs do improve boater safety. Since these programs first became widespread thanks to the grant program authorized by the Federal Boat Safety Act of 1971, the rate of increase in boating fatalities has been reduced, while at the same time the number of boaters has increased. Part of this is no doubt due to the better equipment currently available, but part of it is due to these state-run boater education and boating law enforcement programs. The grant program under the 1971 Act ends this year; without passage of H.R. 4310, these education programs would certainly shrink and probably die due to lack of funds. Popular boating areas like the Chesapeake Bay need those education programs, and so, for safety's sake, we support H.R. 4310.

Another serious problem facing the Chesapeake Bay boater is facilities. H.R. 4310 would provide new funds on a matching basis for state boating facilities improvement programs. I cannot properly describe the pent up demand for improved facilities in the Chesapeake Bay area. Right now, marinas are having trouble selling boats because it can take up to two full boating seasons to find a suitable slip. People just won't buy boats unless they can find a place to keep them. This is hurting the economy of Maryland, where last year over \$94 million worth of boats were sold—not including sailboats and boats over five tons. For the boater who trailers, half hour to forty minute waits for launching ramps are common. The Chesapeake Bay is a valuable recreational and economic resource for the popula-

tions of both Baltimore and Washington—and inadequate facilities are the main barrier to increasing its value to this region.

We also need improved facilities in the Chesapeake Bay because they would improve safety. As previous testimony has pointed out, improved facilities will be safer in design and maintenance, as well as being less crowded. But more than that, improved facilities and new facilities would give boaters more refuges, or places to go, if trouble develops. Currently, there are bad stretches in the Bay—for instance, the stretch from Herring Bay to Patuxent River, where there is only one place in twenty miles where a boater with trouble could seek shelter. The boating population of the Chesapeake Bay is large enough to need that extra measure of protection and safety which new and improved facilities and refuges would provide.

There is one more point I would like to make about H.R. 4310. There are a great number of people along the shore of the Chesapeake Bay who look to recreational boating for their livelihoods—and there are some who, frankly, totally rely upon recreational boating. Just last week I went up to Tilghman's Island, which is economically dependent on recreational boating. I noticed that the channel to the island is filling with silt, and will soon be closed to most boat traffic. H.R. 4310, if enacted, would help finance the dredging which is necessary to save Tilghman's Island and other places like it. In fact, H.R. 4310 could, if enacted, provide the impetus to fix up the Fort McNair Yacht Basin right here in the District, providing some summer jobs that are so desperately needed.

All we are really asking is that the money paid by boaters be returned to boaters in the form of aid to state facilities improvement and education and enforcement programs. I have talked to as many boaters in the Association as I could, and they tell me that they are more than willing to pay their way in this effort to make the Chesapeake Bay the great recreational and economic resource for this area that it should be.

We are sure that the boating public at large is as enthusiastic about H.R. 4310 as we are and, therefore, we ask this Subcommittee to help us by acting favorably on H.R. 4310.

Thank you.

Mr. GOLOMB. Mr. Chairman, Mr. Simon is too modest to mention it, but the record ought to show that he is both a past president of the National Boating Federation and a long-time member of the National Boating Safety Advisory Council, to the Coast Guard.

Mr. BIAGGI. He is not unfamiliar to this committee.

You hear those bells. We will have another brief recess. I will vote and return.

[Short recess.]

Mr. BIAGGI. I know you have been waiting here all afternoon. I do not know if you know what has been happening. The President's entire Cabinet and his chiefs of staff have just submitted their resignations. It is kind of newsworthy and it has produced some kinds of reaction.

Mr. Stone?

Mr. GOLOMB. Mr. Stone just had to leave.

Mr. BIAGGI. I am sorry.

Richard Schwartz?

Mr. SIMON. Mr. Biaggi, may I interrupt just for one moment? I would just like to make a point.

Mr. BIAGGI. Mr. Simon.

Mr. SIMON. As a member of the Federal Boat Safety Advisory Council, at the 20th meeting of the Council in San Francisco last December, the subject of this bill came before the Council and it was the unanimous opinion, unanimous vote of that Council to endorse this bill.

I just thought you might be interested in knowing this.

Mr. BIAGGI. We appreciate that, Mr. Simon. I think you were here when I said it before, that, notwithstanding the merits, we always have some difficulty in getting bills enacted into law. It

requires a complete joint effort. You on the grass roots side and we in the Congress working together, perhaps we can have this bill enacted into law.

I know we have the potential for mustering a sufficient force to have this enacted into legislation. It takes a lot of doing. And support of organizations such as yours and maybe others that have testified in support. We are grateful to you. I cannot apologize profusely enough for my absence and for these repeated departures. But, in the end, we are really concerned about the same thing, and even though it seems to be piecemeal, it will all come out intact in the report.

Mr. Schwartz?

Mr. SCHWARTZ. I will telescope my written testimony and give portions of it.

The first thing I would like to do is to amend it from "Good morning" to "Good evening."

I am Richard Schwartz, executive director of Boat Owners Association of the United States.

Mr. Chairman, your statement to the House of Representatives introducing this bill set forth the facts and arguments in justification of it as eloquently and as accurately as I have seen. It should be mandatory reading for all who are genuinely interested in the deliberations on this matter.

As you know, our organization was one of the moving forces behind the Federal Boat Safety Act of 1971. At that time we stated that a critical situation existed in recreational boating, in which more than 50 million Americans are involved. That situation was eventually met head on by a landmark piece of legislation.

The implementation of the Federal Boat Safety Act of 1971 was an overwhelming success. Despite the tremendous increase of boats and citizens involved in boating in the years since the 1971 act, deaths, injuries, and property damage have been well contained, and the issue of safety has been raised to a new level of importance.

But even with all of that good news, we are on the threshold of a new critical juncture in boating. Federal money for the matching funds of State programs is running out—more accurately, terminated by the administration and not likely to be replaced by the Congress. This development will also mean termination or significant diminution in many States of the excellent safety education and enforcement programs that have been laboriously developed over the last 7 years.

In addition, the Coast Guard, the national guardian of recreational boating, has been stretched so thin in terms of budget and manpower and additional responsibilities in other areas that it has been forced to significantly dilute its efforts in boating safety.

Mr. BIAGGI. If you will pause at that point, Mr. Schwartz, I know you are familiar with what the committee has done to cope. We have increased the budget of the Coast Guard, given them additional personnel, bearing in mind the additional responsibility. And notwithstanding that, we understand they are stretched thin. But we have—we have given them the largest budget they have ever had in Coast Guard history.

We have always found it necessary to help them help themselves. Even their budget testimony was rather modest. We have always given them more than they have requested.

Mr. SCHWARTZ. This statement that I have just made here, with regard to them stretching themselves thin, is also part of their justification or, shall we say, rationalization for placing recreational boating into one of their lowest priorities on their list of activities. I was being kind in putting it that way. I cannot say further.

Finally, the increasing number of boats and participants in boating has not been accompanied by a commensurate growth in boating facilities resulting in hazardous congestion in waterways throughout the country.

Together these factors add up to a situation which is serious and will become critical if ignored. Action is needed now.

Mr. Chairman, H.R. 4310 is the answer.

This bill takes fuel tax money that boatowners already pay, have already paid into the land and water conservation fund and moves it into the new recreational boating safety and facilities improvement fund under the Boat Safety Act.

This fund, then, would essentially meet all the critical needs that we are faced with today. The real beauty of this proposed solution, however, is that it will do the job without calling for any additional appropriations from the Federal Government or increasing the taxpayers' burden by a single cent. In fact, the fund would be utilizing the boatowners own tax-contributed money to support these safety activities.

Those boating fuel tax collections are now being directed into the land and water conservation fund, which has spent only negligible sums for boating related projects. Hiking, biking, and nature trails, among other similar projects, have been the focal point of that fund, and the \$30 million contributed annually by boating has not been utilized to relieve boating's growing problems. H.R. 4310 calls for the return of these funds to areas of critical need. This bill would provide a rare opportunity for millions of citizens to observe the money taxed directly from their activity being invested by the Government to improve the conditions involved in that activity.

The major issue still to be resolved under H.R. 4310 is the matter of administering the special fund. The bill logically turns to the Coast Guard, the Federal agency most closely involved and the most knowledgeable about boating. The Coast Guard has done a tremendous job of carrying out its mandate under the Boat Safety Act of 1971 and has gotten the States started well on their way into boating safety activities. But the Coast Guard has also been asked to expand into many other areas of responsibility while at the same time having to live within limitations of budget and manpower.

As a result, the Coast Guard has been forced—and I use that word not literally—to give up the priority and focus which until recently was placed on recreational boating. The situation bodes badly for boating.

First of all, it should be observed that navigable waterways are the responsibility of the Federal Government, and although there is joint jurisdiction with the States, the Federal Government would be abandoning its statutory responsibility, its constitutional respon-

sibility, if it withdrew its support of safety and enforcement activities in this area.

Second, this refocus will result in placing a larger burden on the States. The States, with their matching funds, are already stretched as thin as they can go and are not in a position to pick up the total burden in the boating field with all the burgeoning demands and the shortfall of tax funds on a local level.

Third, there is estimated to be about 11 million boats on the waterways of this country, and over 50 million people involved in boating. There is clearly no other single responsibility of the Coast Guard that directly involves the safety and welfare of more citizens than its recreational boating activity. And yet it is today ranked by the Coast Guard as its lowest priority.

We plead with the Coast Guard to rerank its priorities and its outlook toward boating, and we ask the committee to give it the manpower and budget to do that job. If the Coast Guard does not furnish the national leadership to provide for safer and better boating as mandated by the Boat Safety Act of 1971, then there is no one who can or will.

Without the competent and knowledgeable direction and coordination of the Coast Guard on a Federal level, the boating safety education and enforcement and facilities effort will fail, losing the progress that has been made over the last 7 years.

H.R. 4310 provides for Coast Guard administration and for the funds to carry it out. By working in conjunction with the State boating law administrators and possibly the State liaison officers, the Coast Guard should need very little additional manpower to administer this fund. And the money provided in the bill for administration should cover these costs.

We sincerely hope that the Coast Guard will accept responsibility for administering this bill with enthusiasm and a sense of mission.

This fund, with competent and conscientious administration, would surely—is that the right number of bells? The wrong number of bells?

Mr. BIAGGI. A different sequence of bells means different things. I am hoping this does not mean I have to leave, of course.

Mr. SCHWARTZ. This fund, with competent and conscientious administration, would surely be the most significant step taken to make recreational boating safer and to enhance the use and enjoyment of the waterways more than any action since the passage of the Federal Boat Safety Act of 1971. Failure to implement it, on the other hand, would undermine one of the most important mandates of the 1971 act.

The CHAIRMAN. H.R. 4310 is urgently needed. Please count on the full support of our organization, and the Nation's boating consumers for whom we speak, to assist you in seeing it through to law.

[The following was submitted for the record:]

STATEMENT OF RICHARD SCHWARTZ, EXECUTIVE DIRECTOR, BOAT OWNERS
ASSOCIATION OF THE UNITED STATES

Mr. Chairman and Members of the Subcommittee: Good morning. I am Richard Schwartz, Executive Director of Boat Owners Association of the United States. For some of you who may be unfamiliar with BOAT/U.S., we are the only national, independent consumer-service organization of boat owners and represent a cross-

section of this country's serious recreational boatmen. More than 65,000 boat owners have joined our organization from all 50 states and 22 countries.

On behalf of our membership, and the more than 10 million boat owners across the country, I want to thank you for the opportunity to express our overwhelming support for H.R. 4310, known as the "Biaggi Bill". Mr. Chairman, your statement to the House of Representatives introducing this Bill sets forth the facts and arguments in justification of this Bill as eloquently and accurately as possible. It should be mandatory reading for all who are genuinely interested in the deliberations on this matter.

I would like to take a few minutes to underscore the urgency of this legislation and to address the key matter of administration of the program created by this Bill.

As you know, our organization was one of the moving forces behind the Federal Boat Safety Act of 1971. At that time, we stated that a critical situation existed in recreational boating—in which more than 50 million Americans are involved. That situation was eventually met head-on by a landmark piece of legislation that for the first time regulated the construction of boats and equipment; that recognized the role of the federal government, and especially the U.S. Coast Guard, in the field of recreational boating; and that earmarked federal funds for the states on a matching basis for boating safety education, assistance and enforcement programs.

The implementation of the 1971 act was an overwhelming success. There were new standards of boat construction and operation, a new interest by the Coast Guard in boating safety, and important increases in the level of federal and state assistance provided for safety education and enforcement. Despite the tremendous increase of boats and citizens involved in boating in the years since the 1971 act, deaths, injuries and property damage have been well contained, and the issue of safety has been raised to a new level of importance.

But even with all of that good news, we are on the threshold of a new critical juncture in boating. Federal money for the matching funds of state programs is running out—more accurately, terminated by the Administration and not likely to be replaced by this Congress. This development will also mean termination or significant diminution in many states of the excellent safety education and enforcement programs that have been laboriously developed over the last seven years.

In addition, the Coast Guard, the national guardian of recreational boating, has been stretched so thin in terms of budget and manpower and additional responsibilities in other areas that it has been forced to significantly dilute its efforts in boating safety.

Finally, the increasing number of boats and participants in boating has not been accompanied by a commensurate growth in boating facilities resulting in hazardous congestion in waterways throughout the country.

Together these factors add up to a situation which is serious and will become critical if ignored. Action is needed now.

Mr. Chairman, H.R. 4310 is the answer.

This bill takes fuel tax money that boat owners already pay into the Land and Water Conservation Fund and moves it into a new Recreational Boating Safety and Facilities Improvement fund under the Boat Safety Act of 1971. The new fund, not exceeding \$30,000,000 will be divided up so that one-third, or \$10,000,000 would go to the states to continue and enhance their presently successful boating safety education and enforcement programs. This is the same amount authorized for 1978 and 1979 under the state grant program which the government is terminating this year. The other two-thirds of the Fund will go to the states for the development and improvement of desperately needed boating facilities—a new program.

This Fund, then, would essentially meet all the critical needs that we are faced with today. The real beauty of this proposed solution, however, is that it will do the job without calling for any additional appropriations from the federal government or increasing the taxpayer's burden by a single cent. In fact, the Fund would be utilizing the boat owners' own tax-contributed money to support these boating safety activities.

Those boating fuel tax collections are now being directed into the Land and Water Conservation Fund, which has spent only negligible sums for boating related projects. Hiking, biking, and nature trails, among other similar projects, have been the focal point of that fund, and the \$30,000,000 contributed annually by boating has not been utilized to relieve boating's growing problems. H.R. 4310 calls for the return of these funds to areas of critical need. This Bill would provide a rare opportunity for millions of citizens to observe the money taxed directly from their activity being invested by the government to improve the conditions involved in that activity. This is the kind of action that the President called for two nights ago to restore the faith of our citizenry in our government.

The major issue still to be resolved under H.R. 4310 is the matter of administering the special Fund. The Bill logically turns to the Coast Guard, the federal agency most closely involved and most knowledgeable about boating. The Coast Guard has done a tremendous job of carrying out its mandate under the Boat Safety Act of 1971 and has gotten the states started well on their way into boating safety activities. But the Coast Guard has also been asked to expand into many other areas of responsibility while at the same time having to live within limitations of budget and manpower. As a result, the Coast Guard has been forced to give up the priority and focus which until recently was placed on recreational boating. The situation bodes badly for boating.

First of all, it should be observed that navigable waterways are the responsibility of the federal government, and although there is joint jurisdiction with the states, the federal government would be abandoning its statutory responsibility if it withdrew its support of safety and enforcement activities in this area.

Secondly, this refocus will result in placing a larger burden on the states. The states, with their matching funds, are already stretched as thin as they can go and are not in a position to pick up the total burden in the boating field with all the burgeoning demands and the shortfall of tax funds on a local level.

Thirdly, there is estimated to be about 11 million boats on the waterways of this country, and over 50 million people involved in boating. There is clearly no other single responsibility of the Coast Guard that directly involves the safety and welfare of more citizens than its recreational boating activity. And yet it is today ranked by the Coast Guard as its lowest priority.

We plead with the Coast Guard to re-rank its priorities and its outlook toward boating, and we ask the committee to give it the manpower and budget to do the job. If the Coast Guard does not furnish the national leadership to provide for safer and better boating as mandated by the Boat Safety Act of 1971, then there is no one who can or will. Without the competent and knowledgeable direction and coordination of the Coast Guard on a federal level, the boating safety education and enforcement and facilities effort will fail, losing the progress that has been made over the last seven years.

H.R. 4310 provides for Coast Guard administration and for the funds to carry it out. By working in conjunction with the State Boating Law Administrators and possibly the State Liaison Officers, the Coast Guard should need very little additional manpower to administer this Fund. And the money provided for in the Bill for administration should cover these costs.

We sincerely hope that the Coast Guard will accept responsibility for administering this bill with enthusiasm and a sense of mission.

This Fund, with competent and conscientious administration, would surely be the most significant step taken to make recreational boating safer and to enhance the use and enjoyment of the waterways more than any action since the passage of the Federal Boat Safety Act of 1971. Failure to implement it, on the other hand, would undermine one of the most important mandates of the 1971 act.

Mr. Chairman, H.R. 4310, is urgently needed. Please count on the full support of our organization—and the nation's boating consumers for whom we speak—to assist you in seeing it through to law.

BOAT OWNERS ASSOCIATION OF THE UNITED STATES,
Alexandria, Va., August 28, 1979.

Hon. MARIO BIAGGI,
Chairman, Subcommittee on Coast Guard and Navigation,
Washington, D.C.

DEAR REPRESENTATIVE BIAGGI: It was a pleasure appearing before your Subcommittee on July 17 to testify in favor of H.R. 4310, the Recreational Boating Safety and Facilities Act of 1979.

This letter contains our answers to your six follow-up questions and I would like to request that they be placed in the permanent hearing record on H.R. 4310.

Question 1. Can you describe the plight of the typical boater in locating and getting to available boating facilities—especially in urban and coastal areas?

Answer. In order to get a representative sampling of boating needs, prior to our testimony on H.R. 4310, BOAT/U.S. sent out a questionnaire to a randomly selected group of 50,000 recreational boat owners. To date, we have received almost 8,500 responses which provide a startling picture of the "plight of the typical" recreational boat owner in this country.

Many of their problems come down to locating adequate facilities close to home. Our survey showed that the average boat owner is forced to drive nearly 100 miles

to get to a launching or marina facility which is adequate to meet his boating needs. Reasons given for a failure to use closer facilities, particularly among urban boat owners, were poor upkeep of equipment, traffic on outdated access roads, crowded conditions at the facility and congested waterways.

Our respondents reported difficulty in locating a facility where congestion did not create undue safety hazards, particularly when maneuvering in typically narrow channel areas. Greatest among the concerns of urban boat owners was the limited number of local primary and support facilities for recreational boating.¹

Question 2. How would the enactment of this program affect the average boater in terms of the continuation of state boating safety programs and provision of new boating facilities?

Answer. Although some state boating programs will remain active even if the Administration is successful in defending its \$10 million cut in boating safety funds for fiscal year 1980, most of the programs will suffer because of this deletion.

A termination of Federal Boat Safety Act funding is likely to cause many states to divert the matching state portion of that program into another area where continued federal assistance is forthcoming. A discussion of this point is contained in the Coast Guard's "Narrative Fiscal Year 1979 Spring Preview/Recreational Boating Safety Program" as it appeared in the hearing record of February 24, 1978:

"The termination of state financial assistance funds with the 1978 fiscal year appropriation, as is now provided for in the Act, could only have a deleterious effect upon the overall national boating safety program. Under such circumstances, most states would have to reduce their boating safety programs, others would lose complete credibility and effectiveness in the budgetary competition within state legislatures, and some programs would certainly be eliminated.

"It is our conclusion that the appropriation of federal assistance to the states resulted in a willingness on their part to assume a major share of what is logically and statutorily a joint responsibility."

Enactment of H.R. 4310 would provide a permanent source of funding to replace the missing federal share of these matching programs, insuring the continuance, if not an expansion, of safe boating programs along with the construction of additional needed boating facilities. State money alone will not be enough to keep pace with the growing number of boat owners taking to the waters every year. H.R. 4310 gives the recreational boat owner the best hope and assurance that he will be able to enjoy safe boating in the future, without the risks of congested facilities and crowded, uncontrolled waterways.

Question 3. Have you been able to contact your individual members and/or member organizations—for example, yacht clubs, power squadrons, sailing associations, etc.—to elicit their comments on this legislation? What were their comments?

BOAT/U.S. is continuing to collate and tabulate the results of nearly 8,500 responses to our boating needs survey. Attached to nearly 400 of those responses came letters to BOAT/U.S. and copies of letters to Congress in support of H.R. 4310. I would like to submit 10 representative letters to you for inclusion in the hearing record. These 8,500 questionnaires and the accompanying letters present a picture of frustration and desperation among the majority of recreational boat owners in this country. They are tired of being stereotyped as an exclusive class of upper income leisure lovers and are becoming increasingly resistive to having their tax dollars siphoned off for the benefit of other recreational user groups. The sheer number of returned questionnaires (an astounding 17 percent return rate so far) is, in itself, testimony to the level of interest which this issue has commanded, and the measure of hope riding on H.R. 4310 to provide a partial solution to the growing list of problems confronting the recreational boat owner.

Question 4. Can you provide specific examples of how selected states would administer the recreational boating facilities portion of the program embodied in this legislation?

We envision the administration of the facilities portion of this program as utilizing the existing infrastructure that most states provide for administering federal/state matching grant programs. Actual administration of the Act would involve present State Liaison Officers and state recreational priorities. State Liaison Officers, working in conjunction with State Boating Law Administrators, the Coast Guard, and in compliance with a SCORP, could administer this fund with a minimum of additional administrative personnel at either the state or the federal level. We would hope that administration of the facilities fund would not require the

¹ For the purposes of our study, BOAT/U.S. defined primary facilities to include slips, dockage, mooring space and launching ramps. Support facilities included parking, storage, campsites, laundry and food facilities, access roads, dockside sanitary facilities and pumpout stations.

Coast Guard's approval on every individual project, but would prefer a more limited involvement requiring annual review and approval of the SCORP which would include specific boating priorities in each state.

Possibly, additional cooperation would be mandated between the State Boating Law Administrator and each state recreation authority. In many cases, their functions already fall within one department at the state level, making coordination a natural extension of existing and well-developed lines of communication.

Question 5. What types of boating facilities do you anticipate would be considered in individual states following the enactment of this legislation?

Our survey results indicated a need for such facilities as slips, dockage, mooring space, launching ramps and other marina services.

We would also like to see funds made available for such support facilities as parking, storage, campsites, laundry and food facilities located near primary boating facilities.

Question 6. Do you believe future boating activity will be affected by the availability of fuel rather than its price?

There is no doubt that the current price of fuel has forced most recreational boat owners to change their boating habits. They cruise less, select destinations closer to home port, and utilize fuel conservation measures such as running at lower speeds.

However, I do not believe that the rising cost of fuel will cause even a serious decline in the growing popularity of recreational boating. Outdoor recreation is an indispensable part of American life, contributing to the physical and mental health of our public. Boating and fishing and similar activities are virtually the only source of recreation for millions of Americans of modest means. While some popular forms of recreation have been singled out for wasteful fuel consumption, recent studies have discredited the once popular assumption that recreational boating is a fuel inefficient leisure activity. In fact, National Boating Federation statistics indicate that more than 56 million Americans go boating at one time or another each year using less than one-half of 1 percent of the nation's total fuel consumption: the equivalent of one-half tank of gasoline for every auto in the country each year. If anything, gas shortages may make boating an attractive recreational alternative to more wasteful activities.

If fuel prices start to rise again, people will again act to alter their work and leisure behavior in order to reduce fuel consumption. But it would be a mistake to assume that anything short of the most severe gas shortage would cause people to abandon this recreational activity anymore than it caused people to abandon their automobiles during the last two gas shortages.

We appreciate your work on behalf of the recreational boat owner and look forward to swift passage of H.R. 4310.

Cordially,

RICHARD SCHWARTZ, *Executive Director.*

BOAT OWNERS ASSOCIATION OF THE UNITED STATES,
Alexandria, Va., August 7, 1979.

Hon. THOMAS B. EVANS, Jr.,
U.S. House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE EVANS: Enclosed please find my responses to the six questions submitted at the conclusion of the July 17 hearing on H.R. 4310.

I would like to request that the full text of this letter as well as the enclosed questions and answers be placed in the permanent hearing record for H.R. 4310. I understand the record will be open until August 17.

Your questions were particularly on point and I'm sorry time did not permit a healthy debate following testimony, during which all participants would have had the opportunity to respond. I believe these questions went right to the heart of several key areas which may be problem areas for other legislators considering this bill. I hope the enclosed answers provide you with the assurances you need to become an enthusiastic backer of H.R. 4310.

In addition, I would like to respond to several other issues which were not raised in those questions. These include the matter of duplication in the administration of a boating fund, the possibility that H.R. 4310 will be used by the boating and boating related industry to circumvent the intent of the Coastal Zone Management Act, and the notion that recreational boating is a "rich man's" sport.

With respect to duplication in the administration of a boating fund, I do not see the need for an entirely separate set of procedures to handle this grant program in addition to those which already exist with respect to LAWCON projects. State Liaison officers working in conjunction with State Boating Law Administrators, the

Coast Guard and in compliance with a SCORP which includes identified boating priorities could administer this fund using the infrastructure which presently exists. I would support regulations which create minimal red tape and additional administrative positions since that would mean detailing more of the fund away from the running of boating safety and enforcement programs as well as away from the construction of new boating facilities.

Some opponents of this bill have raised the point that, while not the original intent of the legislation, H.R. 4310 could become an effective vehicle for circumventing the intent of the Coastal Zone Management Act. I want to leave no doubt in your mind that serious recreational boat owners are an environmentally conscientious constituency. We have painful, first-hand experience with the long-term consequences of thoughtless, ill-conceived development of our waterways and we have a great deal at stake, more than most people, in ensuring the proper maintenance and preservation of the coastal zone. I believe that with good planning and the right amount of coordination with state Coastal Zone Management authorities, boating facilities can be among the best users of the coastal zone, contributing to the preservation and controlled use of coastal areas. I would be pleased to consider supporting any language you feel might be needed to ensure that H.R. 4310 does not result in a circumvention of the CZM Act and the permit process associated with it.

I think its time that non-boaters stop looking at recreational boating as an environmentally abusive, "rich-man's" sport. In fact, study after study, by government as well as by industry, supports the profile of the typical American boat owner as someone who earns between \$17,000 and \$20,000 annually, owns a 20-25 foot runabout and uses it primarily on weekends for fishing and daytime pleasure cruising. Related studies also disprove the myth that boating is an energy inefficient activity. In connection with this, I have heard arguments that the facilities portion of H.R. 4310 would benefit a wealthy and exclusive class of yacht owner to the exclusion of the smaller boat owner. In point of fact, the facilities which could be created would benefit all boat owners by relieving a critical congestion problem. H.R. 4310 provides an extremely modest amount of money, \$30 million in total, and of that only \$20 million, available to all the participating states, for the construction of boating facilities. This is hardly the bankroll associated with elaborate private yachting facilities.

If I can provide you or your staff with any additional information, don't hesitate to contact me again.

Cordially,

RICHARD SCHWARTZ, *Executive Director.*

Enclosure.

Question 1. What reason will there be for the states to terminate their current level of funding boating safety programs, without continued Federal assistance, since state expenditures now exceed Federal contributions by six times?

Answer. I believe that states which do not continue to receive matching funds will suffer termination or significant diminution of the excellent safety education and enforcement programs developed over the last seven years.

Most state budgets have a certain amount of money in their budget which is made available for a variety of programs, the cost of which is shared on a matching basis with the federal government. It makes sense that states would want to see that money contributed to programs which will continue to receive some Federal assistance as the best way to stretch those state dollars to their fullest capacity. A termination of Federal Boat Safety Act funding is likely to cause many states to divert the state's matching portion of that program to another area where continued Federal assistance appears forthcoming. This makes good economic sense from the standpoint of budgeting state funds to meet the matching requirements of as many Federal programs as possible.

Even in those states where boating interests are strong enough to sway state spending decisions in their favor, the present economic squeeze on state treasuries will make it very difficult for states to come up with money to equal the original Federal share. Therefore, some programs will likely be terminated (depending on the condition of the state budget and its priorities) and others will continue to function in an amputated form. This will happen in spite of the increased popularity for boating as a recreational activity and the subsequent need for increased safety and enforcement efforts at the local level.

A discussion of this point is contained on the Coast Guard's "Narrative Fiscal Year 1979 Spring Preview/Recreational Boating Safety Program" as it appeared in the hearing record of February 24, 1978 before the Subcommittee on Coast Guard and Navigation.

In that internal report, not subject to OMB clearance, the Coast Guard recommended continued Federal support for state programs " * * through a sustained and adequate funding level."

The report went on to support my contention that a decline in Federal interest would be followed by a similar decline on the part of the participating states. I refer the Committee to two paragraphs in the conclusions and recommendations of that report:

"The termination of state financial assistance funds with the 1978 fiscal year appropriation, as is now provided for in the Act, could only have a deleterious effect upon the overall national boating safety program. Under such circumstances, most states would have to reduce their boating safety programs, others would lose complete credibility and effectiveness in the budgetary competition within state legislatures, and some programs would certainly be eliminated.

"It is our conclusion that the appropriation of federal assistance to the states resulted in a willingness on their part to assume a major share of what is logically and statutorily a joint responsibility."

And elsewhere in that same report: "The Federal infusion and generation of a multiplier effect upon the states, regarded in proportion to the rate of increase in the boat population, has some distinct bearing on the reduction of fatalities. Thus, there comes a point where this causation, combined with professional experience, intuition and plain good sense, warrants continuance of the program."

I must conclude from my own experience with these issues over the past 20 years that the conclusions and recommendations in this report are applicable to fiscal year 1980 funding questions as well as to those which existed in 1979.

But I want to remind the Committee that at this juncture, the issue under consideration is not an extension of the authorization for safety education grants under the '71 Act. We have lost that battle, and are now considering H.R. 4310 as the most promising alternative to any additional Federal support for boating safety programs and facilities.

Question 2. Could not boating facilities, such as marinas, be funded on a state matching fund basis out of the Land and Water Conservation Fund—with the individual states determining priorities?

Answer. Short of major amendments to the enabling legislation, I seriously doubt that boating facilities could command in the future the kind of monetary support which the fund has failed to provide in the past.

The reason lies in a closer examination of the general administration of the Fund. In lieu of regulations and the public comment process which that implies, the Heritage Conservation and Recreation Service implements the Land and Water Conservation Fund Act of 1965 using a grants manual which serves as the guide for funding decisions. This manual is revised periodically to reflect changing needs of outdoor recreation user groups.

An example of the Fund's inability to meet the specific needs of the majority of serious recreational boat owners is illustrated by the procedure which was used to effect the most recent change in the manual concerning policies for funding public marina construction.

A study was done of the current marina policy which consisted of solicitation of comments from DOI Regional Offices and state recreation offices. Not one boat owner was contacted to present views. The new policy is merely a synthesis of DOI regional comments together with the input of the 28 replying state offices. The final draft of the policy was completed by DOI employees with little first-hand experience in the field of recreational boating, and virtually no familiarity with the current crisis caused by a lack of facilities and the increased popularity which boating has been experiencing. As a result, the June, 1979 revisions do not represent progress in the Fund's ability to meet the needs of recreational boat owners.

The final recommendations for the revision maintain the posture that facilities receiving assistance be designed as basic outdoor recreation facilities to serve the general public. While this approach is commendable in so far as it endorses the general concept of utilizing public monies to serve a wide variety of outdoor recreation user groups within the confines of each facility, I believe a facility which more than adequately meets the needs of hikers, swimmers, picnickers, etc., does so literally at the expense of the specialized needs of boat owners who lack such facilities as slip and mooring space, adequate repair service for boats and motors, a marine store, more harbors, better channel maintenance, improved upkeep of navigational aids, more reliable weather forecasting, and increased boating safety education and enforcement.

While it is fitting that money from OCS land leases and the sale of surplus government property be utilized to improve the quality of outdoor recreation for the

widest possible range of interests, it is unfair that the only user group to make a direct contribution to the fund cannot get equal treatment.

The boat owner has the right to a better return for the money he contributes to the fund in the form of specialized services; services beyond the basic needs of the general public; necessary for the safe enjoyment of this recreational activity.

With reference to individual states determining priorities, this system is currently at work. The Heritage Conservation and Recreation Service mandates that funded facilities be fashioned with the framework of the priorities determined by State Comprehensive Outdoor Recreation Plans (SCORPs). These are the blueprints which state governments put together to determine recreational spending priorities. The American Audubon Society, the Defenders of Wildlife, the Sierra Club, Friends of the Earth, the National Wildlife Federation and other groups, characterized by a high degree of organization at the local level, have been very successful in getting various state plans to reflect their needs. There is no recreational boating constituency which has the kind of clout at the local level which could allow boat owners to compete successfully with these national organizations for the priority attention received under SCORPs.

Question 3. You assert that the Coast Guard has been "forced to significantly dilute its efforts in boating safety". Was it not the purpose of the 1971 Act to allow the states to gradually assume the major role of boating safety responsibility?

Answer. It is correct that the original Federal Boat Safety Act of 1971 called for a limit of five years for the authorization, after which the states were to assume full responsibility for the boating safety and enforcement programs begun under that act.

However, in testimony which resulted in both extensions of the original authorization, there was a clear acknowledgement, on the part of the Coast Guard and the states, that the program clearly needed continued federal support to maintain an already favorable momentum created by the state programs as well as to secure continued support from state legislatures. Quoting from the Coast Guard's "Narrative Fiscal Year 1979 Spring Preview": "The continuation of the program will give the states the credibility, consistency and resources to reach the local boating public. The financial base provided by the Federal government allows the states to concentrate on establishing an administrative infrastructure, purchase equipment and promote the education and enforcement techniques to stimulate increased boating awareness, thereby decrease fatalities. In the long run, the joint effort should result in savings to the Federal Government rather than inordinate, additional costs which would emanate from state curtailment, inaction or indifference."

The extensions to the original authorization are not out of character with other programs in the Federal government which have been found to be successful, yet unsustainable at the local level. Numerous examples of this can be found by examining programs which fall under the jurisdiction of the Economic Development Administration and the Farmers Home Administration.

Question 4. You suggest that no additional appropriations would result from this new program—but have you considered the need to replenish the Land and Water Conservation Fund and the ripple effects of such action?

Answer. The Land and Water Conservation Fund Act of 1965 called for a diversion of marine fuel taxes away from the Highway Trust Fund. In addition, the Land & Water Conservation Fund receives revenues from the sale of Federal surplus real property and from Outer Continental Shelf mineral receipts. The fund is designed so that any loss of revenues from either real property sales or marine fuel taxes can be made up from OCS revenues. In fact, OCS revenues are currently being used to make up the difference between the two other funding sources and the appropriated level of the fund.

Since additional payments from increased OCS Oil and Gas development are rising at a far greater pace than the cost of recreational land acquisition, the gap left by the creation of a special boating safety and facilities fund can easily be filled by excess OCS revenues.

The \$30 million will be funneled from OCS revenues to the Land and Water Conservation Fund to balance the amount to be utilized by recreational boating is small in comparison to the total amount of incoming revenue from OCS leases. In 1980 alone, OCS revenues will be about \$2.6 billion dollars.

Question 5. You say that "only negligible sums" have been spent for boating related projects out of the Land and Water Conservation Fund—but I have been advised that \$52 million was spent out of the Fund during Fiscal Year 1978. Have you any contrary data?

Answer. I have seen the printout of boating related projects which does amount to \$52 million spent by the Heritage Conservation & Recreation Service. However, I

submit that what has been defined by them as boating projects, upon closer examination, do not in fact meet the specific needs of recreational boaters. Lakeside parking lots, picnic areas and other facilities such as camping sites and a few launching sites, all of which are designed to serve the general public, are not the facilities or services which directly meet the desperate needs of the recreational boat owner. Yet these kinds of facilities are among the vast majority of those which are counted as boating-related projects. While such facilities might indirectly meet some of the needs of recreational boat owners, they are inadequate in the face of current boating conditions.

Recently over 6,000 boat owners responding to a question on priorities for spending public money allocated to boating, named as areas deserving more attention: (a) more primary marina facilities (slips, dockage, mooring space), (b) better enforcement of safety regulations, (c) great safety education efforts, (d) maintenance of channels, (e) more harbors, (f) better weather prediction services, and (g) an increase in the Coast Guard services to the recreational boat owner. In 1978 little of that \$52 million from LAWCON went towards fulfilling even a portion of these very real needs.

Question 6. In addition to the current state boating safety (educational and law enforcement programs) activity, cannot boating organizations such as yours do much to supplement such efforts?

Answer. Yes, BOAT/U.S. and other boating organizations have offered boating education courses to members. However, by the very nature of our being a membership association, we are limited in the number of people we reach through our efforts.

We are not set up to have a state or regional operation which might reach a larger number of recreational boat owners. While I cannot speak for other organizations, it is my belief that BOAT/U.S. is doing all that we can to give safety a high priority among boat owners. Yet we reach a relatively small number of boat owners and the ones we do reach are motivated voluntarily to seek additional skills. Our efforts and those of other boating organizations can only serve to supplement the greater efforts made by the federal/state combination.

I want to add that H.R. 4310 goes beyond the question of providing greater access to boating safety education. It provides for the construction of facilities to improve boating safety conditions, something which our organization does not have the resources to do.

Mr. BIAGGI. Thank you, Mr. Schwartz.
Commodore Eve Finch.

Ms. FINCH. Hon. Chairman Biaggi and distinguished committee, I am Eve Finch, past commodore of Prince Georges Yacht Club and legislative liaison for the Potomac River Yacht Club Association, on whose behalf I am testifying today.

The Potomac River Yacht Club Association is comprised of 12 of the more responsible clubs on the river, with a membership of approximately 5,000 recreational boaters, is an adamant proponent of the Recreational Boating Safety and Facilities Improvement Act of 1979, better known to boaters simply as H.R. 4310.

We believe that revenue derived from Federal marine fuel taxes has been disbursed unfairly, inasmuch as there is negligible benefit now being realized from these moneys to boaters at large under the present allocation system as administered. Conversely, it is felt that the boating public has been penalized for channeling our recreational activity into the boating industry.

Those who opt for recreational land vehicles receive tangible benefits from their fuel tax, such as improved roads, rest areas and, in some instances, emergency communication systems. Aviation fuel taxes also directly benefit the payee. We see no reason why the multibillion-dollar boating industry should be excluded from receiving a direct benefit from its tax dollar as well.

To cite two specific instances that relate to the Potomac River: there presently exists an appalling situation because of funding.

Only one Coast Guard vessel and few State marine police vessels are permanently available to patrol and to police the entire Potomac River from the Woodrow Wilson Bridge in Oxon Hill/Alexandria to its mouth at Point Lookout, 90 miles of one of the most active rivers in our Nation.

Concurrently, there exists a paralysis situation in which one of the most beautiful facilities on the Potomac River, in close proximity to the Nation's Capital, has fallen into disrepair. Its facilities are deteriorating; its channel needs dredging; and it is a desperately needed safe harbor on the Maryland side of the Potomac. Under the aegis of Capital National Parks for the past 5 years, absolutely no care has been given other than that by private citizens. It was in the past a major berthing for residents, as well as for nautical travelers to our Nation's Capital. I refer to the esthetically beautiful and historic Fort Washington.

The Potomac River Yacht Club Association, although not as yet a member of the National Boating Federation, is in complete accord with their statement of support of H.R. 4310. We do respectfully urge that this learned committee favorably receive this bill and recommend its passage.

Thank you.

Mr. BIAGGI. Thank you very much, Commodore.

I have a series of six questions that I would like the responses to, but in the interest of time I will defer asking them on this occasion, but we will give you a list of these questions and we would ask you, if you would, to respond for the record, each of you.

I want to thank each of the witnesses for their patience and for their testimony in support.

Mr. GOLOMB. It is a privilege to be here, and thank you for the reception.

Mr. BIAGGI. Where do you live now, Mr. Golomb? You have left Locust Point.

Mr. GOLOMB. Pardon?

Mr. BIAGGI. You have left the Bronx, where do you live now?

Mr. GOLOMB. I live in Westchester.

Mr. BIAGGI. That is what happens, when——

Mr. GOLOMB. Well, they could not make me an acting village justice in the Bronx, so I had to go up there.

Mr. BIAGGI. OK. Thank you.

Mr. Dennis Griesing, government affairs manager, National Association of Engine and Boat Manufacturers.

STATEMENT OF DENNIS GRIESING, GOVERNMENT AFFAIRS MANAGER, NATIONAL ASSOCIATION OF ENGINE AND BOAT MANUFACTURERS, NEW YORK, N.Y., ON BEHALF OF MATTHEW KAUFMAN, PRESIDENT, BOATING INDUSTRY ASSOCIATION, CHICAGO, ILL., ACCOMPANIED BY TIMOTHY A. VANDERVER, JR., PATTON, BOGGS & BLOW, WASHINGTON, D.C.

Mr. GRIESING. Yes. Thank you, Mr. Chairman.

Mr. Chairman. I am here this evening representing Mr. Matt Kaufman, president of the Boating Industry Associations of Chicago, who, unfortunately, had to make flight connections for Chicago.

I would at this time like to present for the record Mr. Kaufman's written statement, presented jointly for both the National Associ-

ation of Engine and Boat Manufacturers and the Boating Industry Associations.

Mr. BIAGGI. We will have it introduced into the record in its entirety, with heartfelt gratitude.

Mr. GRIESING. Thank you, sir.

[The following was received for the record:]

STATEMENT OF MATT KAUFMAN ON BEHALF OF THE BOATING INDUSTRY ASSOCIATIONS
AND THE NATIONAL ASSOCIATION OF ENGINE AND BOAT MANUFACTURERS

Mr. Chairman and members of the Subcommittee, I am Matt Kaufman, President of the Boating Industry Associations. I am here to testify today in support of H.R. 4310 on behalf of two groups—the Associations and the National Association of Engine and Boat Manufacturers.

The Boating Industry Associations is a partnership of four product-line associations. Working out of our headquarters in Chicago, we represent the interests of over 725 marine products companies across the United States.

The National Association of Boat Manufacturers, which has asked me to speak today on its behalf, represents more than 400 manufacturers of boats and boating equipment. I am able to speak for both groups because we share a common goal—the goal of making recreational boating as safe and as enjoyable for the average American as it can possibly be.

Let me say at the outset that we enthusiastically support H.R. 4310, and wish to express our gratitude to Congressman Biaggi and his co-sponsors for introducing this legislation. I would like to spend the balance of my time giving you our industry's perspective on this legislation and the reasons why it is so urgently needed.

One of the major factors in boating safety is equipment. We in the manufacturing industries have long been doing our part to improve the safety performance of our equipment through voluntary adherence to the standards set by the American Boat and Yacht Council, among others. In 1971, the Federal Boat Safety Act made certain equipment safety standards mandatory—clear evidence of the concern which Congress has shown for this particular means of promoting boating safety. Of course, these efforts have cost money, but we are happy to say that the investment has paid off in fewer equipment-related accidents. The Coast Guard now reports that the number of marine accidents attributable to "fault of hull, machinery, and equipment" is minimal—and even this tiny number stems mostly from home-made or improperly maintained equipment.

The Federal Boat Safety Act of 1971 also dealt with another key factor in boating safety—the boater himself. The Act created a federal/state partnership designed to aid programs which served to educate boaters on the rules of safe boating and also to enforce those rules out on the water.

We are here today to ask that Congress take another major step in boating safety, a step beyond those taken in the Federal Boat Safety Act of 1971. We are asking Congress to aid the states in continuing their programs directed towards boater education and boating law enforcement, and also to assist the states in minimizing the number of marine accidents caused by poor facilities through a program of matching state/federal facilities improvement grants. H.R. 4310, be believe, would take this next step, and therefore we support it wholeheartedly.

H.R. 4310 would, if enacted, use the presently existing four-cent per gallon tax on marine fuel, which currently is deposited in the Department of the Interior's Land and Water Conservation Fund, to create a fund which would be administered by the Coast Guard. This fund would then be used for two purposes: to help states finance their boater education and boating law enforcement programs, and to provide matching funds to help the states improve their boating facilities.

We cannot overemphasize the importance of these boater education programs. As everyone knows, no matter how well you design a product, if the product isn't used right, it isn't going to be as safe as it should be. Boats and boating equipment are no different—in careless and uneducated hands even the safest boat will inevitably be involved in accidents. H.R. 4310 would provide the funds necessary to let states continue, improve and expand the boater education programs that most states have had over the past several years, largely thanks to the grant program contained in the Federal Boat Safety Act of 1971. These programs are necessary to limit the number of boater-caused accidents, but they are currently in jeopardy due to the fact that the grant program expires next year. H.R. 4310 would provide the funds

required to continue, and perhaps expand, these vital programs, and, moreover, would do it without the imposition of any new taxes.

Of course, educational programs need to be backed up by enforcement programs. H.R. 4310 would continue the federal/state partnership initiated in the 1971 Act, which has produced effective state marine law enforcement and which allows the Coast Guard to focus upon the broader concerns more appropriate to a federal agency. H.R. 4310 could provide the funds necessary to avoid the possibility of states having to take the counterproductive action of either cutting back their enforcement programs or of leaving enforcement to the federal government.

This bill would also provide funds on a matching basis for the states to improve their boating facilities. This is long overdue: for years the boating public has been paying the tax upon marine fuel and has gotten very little in return. Perhaps part of the problem here is that the average boater is perceived as a wealthy yacht owner. In fact, the average boater earns about \$15,000 per year and owns a fifteen foot runabout. This average boater deserves a return for the tax money which he has for so long paid to the federal government. Although the wealthy boater is almost always able to enjoy well-maintained and safe facilities, the average boater is currently forced to resort to old, seriously overcrowded and rundown facilities. Not only does that make the average boater's day at the lake or river less pleasurable, it also makes it much more dangerous due to crowding and poor conditions. H.R. 4310 would assist in providing safer and more enjoyable facilities for the ordinary boater.

Equally important, such a facilities improvement program would allow the states to put boating facilities where they are needed—that is, near to the places where boaters live. In these days of the energy crisis, I think we're all coming to realize the wisdom of putting recreational facilities close to home so that we don't waste valuable gasoline driving further than we need to. H.R. 4310 would, if enacted, allow the states to build the kind of recreational facilities we need in a more energy conscious world.

In short, H.R. 4310 would assist in educating the boater, assure continued enforcement of boating safety laws, and would help to provide safe and adequate nearby facilities. These, combined with safe equipment, would help make boating as safe as it can be. However, neglecting any one of these will take its toll in marine accidents.

H.R. 4310 is, we feel, a very cost-effective way of attacking these contributing sources of marine accidents. The money will be well targeted in that it will go only to state boating programs and facilities improvement programs. Further, it will be very easy to administer, because the state programs are already substantially in place. The alternatives to H.R. 4310—which are either purely federal programs or no programs at all, with the attendant rise in marine accidents—make it clear that H.R. 4310 provides a good return for each federal dollar spent.

It is also important to note that this bill involves the imposition of no new taxes, and, from the standpoint of good governmental operations, it also does not involve earmarking funds for federal programs where the funds were previously not earmarked. It simply involves taking funds from one earmarked program and placing them into another program—one which will better serve boating safety and the boating public.

There is one more good reason for supporting H.R. 4310, and that is the threat which inadequate facilities pose to the economic well-being of the boat and boating equipment industries. Currently the boat and boating equipment industries are a \$6.5 billion per year business. The boating industry employs over 550,000 people in all of the 50 states, including the manufacture, selling, and servicing of boating products. Recreational boating sales have been adversely affected by the inadequacy of the facilities available, because people will not buy boats unless they can find a safe, well-maintained facility from which to launch them. We therefore feel that H.R. 4310, by returning the marine fuel tax to the boating public in the form of assistance for boating safety and facilities, would help insure the continued vitality of the economically important boating industry.

Today the federal tax on marine fuel, which totals about \$30 million per year, is placed into the Land and Water Conservation Fund, which has an authorized funding level of \$900 million. In the past, this fund has provided few recreational opportunities for the boating public. We believe that boaters should receive a return for the millions which they contribute in taxes every year. This would be accomplished by H.R. 4310.

In conclusion, Mr. Chairman, we enthusiastically support H.R. 4310. We feel that it squarely addresses two major factors contributing to marine accidents in the most cost-effective way, and would also serve to keep the boating industry healthy by returning the marine fuel tax to marine uses. We feel that this bill will, in the final

analysis, make boating safer and more enjoyable for the average American boater, and, therefore, we ask that you also support H.R. 4310.

I would like to thank you, and I will also be glad to answer any questions you might have for me at this time.

Mr. GRIESING. Mr. Chairman, we enthusiastically support H.R. 4310. We feel that it squarely addresses two major factors contributing to marine accidents in the most cost effective way.

It would also serve to keep the boating industry healthy by returning the marine fuel tax to marine uses.

We feel that this bill will, in the final analysis, make boating safer and more enjoyable for the average American boater.

I would like to thank you, and I will also be glad at this time to answer any questions you might have or to subsequently respond in writing to any interrogatories.

Mr. BIAGGI. I see you are accompanied by Mr. Vanderver of Patton, Boggs & Blow.

We can pose the same questions to you if you would respond for the record, rather than—in the interest of time, rather than having colloquy now, because you never know when those bells will ring again; and I think we have a few more witnesses.

Mr. GRIESING. It will be our pleasure.

Mr. BIAGGI. Thank you.

Thank you very much for your patience, support and testimony.

Mr. and Mrs. William Barrett?

**STATEMENT OF WILLIAM BARRETT, KIDDER, PEABODY & CO.,
INC., WASHINGTON, D.C., ACCOMPANIED BY ADELE BARRETT**

Mr. BARRETT. Mr. Chairman, members of the subcommittee, we appreciate this opportunity to testify before the subcommittee today to express our support for H.R. 4310.

We also wish to testify in favor of an expanded Federal role in ensuring that the operators of the 14 million pleasure boats on our waterways are trained in basic boat operation and safety.

As you are fully aware, over a thousand people die in boating accidents each year on our Nation's waterways. One of those persons was our daughter Lorri. That is the reason we are here today.

Lorri's death has evoked many emotions in us. We have grieved and we have been angry. But emerging has been the question: Why? Lorri was killed because she went out on a small boat operated by a person with practically no training or experience upon the treacherous waters of the Bay and its tributaries. We have questioned all persons whom we have been able to find concerning how this could have happened. And we have been told that our experience is not unique. We have been told that many of these deaths are attributable to just this situation: A person inexperienced and untrained taking lives into his or her own hands in treacherous waters.

Again we asked why, and we are told that while State and Federal law require drivers of automobiles and pilots of planes to undergo testing for competency, there is no law, Federal or State, that puts any mandatory requirements upon those who drive boats.

While we all know that drivers' tests have not eliminated negligent driving upon the highway, we also know that the carnage would be many times worse if any person with no training, no test,

and no license would be allowed on the highway at will. The same, I am sure, can be said for pilots of planes. Yet that is exactly what we permit upon our waterways. It is inconceivable to us that as dangerous an instrument as a boat can be driven on our waterways with an untrained, unlicensed person at the helm. Yet that is what the law permits.

I would like to take exception to one statement made by Mr. Golomb earlier today, when he said that licensing is no panacea and that it would not cure. Well, no one has ever claimed it is a panacea, but it has been untried. It has been tried successfully on the highways and it has been tried successfully in the air; but never tried on the waterways.

Mr. Chairman, we can do nothing to bring our daughter back to us. But we can work to help prevent the same thing from happening to other daughters and other sons as well. We are therefore dedicating ourselves to work for a change in law, to establish a mandatory requirement, not voluntary, so that all who take a boat out onto the public waterways be tested and licensed.

While this will not stop entirely accidents and even negligence, it will insure a certain minimum of knowledge and ability, and the threat of suspension or revocation or license would put teeth into enforcement of the rules of the game.

In your statement in the Congressional Record of June 5, Mr. Chairman, you noted the modest progress in boating safety that has been made since the enactment of the 1971 Federal Boat Safety Act, progress for which the Congress, the Coast Guard, and the States all deserve a share of credit. However, in the same statement you made two perceptive observations which speak to the other side of the issue.

First, that analysis of boating safety accident statistics clearly reveals that one-half of boating accidents are attributable to operator error—in fact, Coast Guard statistics show that incidence of operator error is much higher in fatal accidents, in fact 75 percent of the fatalities are due to operator error; 800 out of 1,100, according to Coast Guard statistics of 1978 on page 22—and that only 12 percent of those operators who were involved in those fatal accidents had any formal boating safety education.

And second, that recent surveys of the boating public show that impressive support for licensing programs for boatowners and operators as well as for increased education in boating safety.

Therefore, it is our urgent plea to you, Mr. Chairman, and members of the committee, to use the resources and authority of the Federal Government to encourage, if not mandate, a simple requirement for operator licenses for those who operate pleasure boats. Perhaps this can be accomplished by using the funds in H.R. 4310 to prod States into adopting programs with such a requirement.

Perhaps H.R. 4310 could provide financial incentives to States willing to initiate such a program on a demonstration basis. Perhaps some other legislative mechanism should be more appropriate. You are the best judge of that. Our purpose in appearing today is to share our experience with you and to urge a response by the Government.

In past experience in testifying before Government panels on the State level, we have found boating manufacturers and marina owners well represented and well organized. The 25,000 fatalities, as per page 8 of Coast Guard Boating Statistics of 1978, that have occurred in boating accidents over the last two decades—that is 25,000 fatalities—meanwhile have left a legacy of hundreds of thousands of relatives and friends who also wish to be represented in congressional deliberations on boating safety.

Therefore, we appreciate very much this chance to speak on behalf of this constituency, and hope that our perspective will prove helpful to the committee in fashioning legislation to make our waterways safer for all who use them.

I would like to add that there need be no new expensive building built. Rooms or a room in existing motor vehicle bureaus are available in every city in the country. There are people who have invested huge financial sums in expensive boats, certainly they would prefer to protect their investment as well as their family and their friends from the careless and untrained who are presently on the waterways.

And last, mandatory operator licensing can create additional wealth for the States, not cost the State revenues.

Mr. BIAGGI. Thank you, Mr. Barrett.

While you were testifying, I was just thinking how many times I have seen on the waters young people, I guess even older people, who are reckless, racing, unmindful of the hazards that imperil them, that potential, and how many people, in fact, were injured and killed.

It comes to mind then, how could we permit that condition to continue to exist? I think the Coast Guard, has limited impact. Power squadrons throughout the country do a great job, with limited numbers.

One thing we have concluded, in many areas of boating, the Coast Guard activity is that the educational process must be of substantial dimension, as well as an ongoing, highly visible process.

I am not satisfied that we have even scratched the surface when it comes to dealing responsibly with all of the boats out in the waters. A good boatman does not need much attention, you know that as well as I. But we have our "Sunday drivers" in the water as well. That is where the problem is. That is one of the benefits of the safety and training programs.

And I think that it is possible that the progress that we have made and programs that have been established, and work that has been done could be jeopardized by the discontinuance of these grants of matching funds. Frankly, it is infuriating, not just disheartening but infuriating. You just say to yourself, what the hell are we doing about this thing? I mean, just get down to that level and you say somebody is not thinking straight.

And we feel that a continuance by virtue of this bill will help immeasurably. I never contended it was the alpha and omega, and I do not know that it would impact on the area of your concern in any substantial degree, not to the extent in which I believe the condition could justify; but we are having trouble even keeping these programs alive.

Envision, if you will, trying to impose a licensing process on all of the boats, I am sure you would have a division even among the very people who testified.

Mr. BARRETT. You would have a great deal.

Mr. BIAGGI. That is just plain logic.

But, in light of legislative reality, and that is where we are, dealing with reality, what can we get? Not what we would like. What we like is the long-range program. But what can we get? What is do-able? What makes immediate sense? We believe that it is 4310 that is important in that regard.

And if we can get this enacted into law, there will be a constant funding, and that constant funding will develop people, experts, who will be constantly applying themselves. And I can see more, I can see an enlargement of our concerns that will spill over into many beneficial areas. And hopefully, one day we will be able to deal with the larger picture; more specifically, the one you dealt with.

Mr. BARRETT. Sir, I am in full agreement with you, and I think if we take the first step first and eventually we will get to where I would like to see it and so would you.

Mr. BIAGGI. Thank you very much.

Mr. BARRETT. Thank you, sir. We appreciate your courtesy.

Mr. BIAGGI. Mr. Trevor Clark. I believe Mr. Trevor Clark is the last witness. It is 7 o'clock.

STATEMENT OF TREVOR CLARK, PRIVATE CITIZEN

Mr. CLARK. Thank you, Mr. Chairman, members of the committee.

I very much appreciate your courtesy in allowing me to speak this afternoon, particularly because I was not invited, and also because you took my name at the last minute and have allowed me to speak.

I am Trevor Clark. I live on Chesapeake Bay. I own a small sailboat. I am a member of and have been an officer of a number of organizations for boating, although I prefer to speak here today as a private citizen. I think there has been a paucity of testimony from private citizens this afternoon.

Your public notice of this hearing did not reach me, and I think the same can be said of many other private citizens.

The objectives of the bill, H.R. 4310, are laudable, as stated in section 2. They are defensible and, with one question, I think they are necessary.

I would like to take a moment to give my impression of the Coast Guard and the State boating organizations, as I have observed them. And I am not here speaking of the Coast Guard Auxiliary, but of the Coast Guard itself.

The Coast Guard operates mainly offshore. Its principal activities, its largest activities, its major activities are offshore. The State boating administrations operate on inland waterways. There is a considerable contrast.

The Coast Guard operates with large boats and in connection with large boats. The State boating organizations use small boats, and they deal with small boats. The Coast Guard deals principally with commercial carriers, while the State boating organizations

deal with private owners, recreational boaters, and some fishermen.

In Maryland we have a splendid State boating organization. I can say from experience that it is lean, that its personnel are well educated, that they are well oriented, and that they are polite. They do a splendid job. They need the money that your bill would furnish. They have well spent the money which they have received.

I support the objectives that I have heard mentioned by those who have preceded me, but there are items in the bill which have not been mentioned, and I suppose that those who did not mention them are as opposed to them as am I.

At about the same time as the appeal of the National Boating Federation and Boats U.S. reached me, I also noticed that the Anne Arundel County Council of Maryland had acted favorably on a really touchy legislation that would stop all marina building and expansion in this maritime-oriented county. It appears that H.R. 4310 would seek to build where private capital cannot. When we have private capital willing and even eager to do the job, why can we even think of doing the job with tax dollars, even these free tax dollars?

Mr. BIAGGI. Well, let me ask you, Mr. Clark, why are they not doing it?

Mr. CLARK. I think that that question may be answered in my subsequent testimony.

If the States can obtain permits for marina and launching ramp construction, why can we not give private capital the same opportunity? They are prevented from doing it by law, and by restriction. Can the State dredge to deepen the waterways? Why cannot private marina operators dredge to make available added deepwater slips at already existing marinas?

It would seem that H.R. 4310 might better use the tax dollars to persuade local and State governments to allow private capital to build and maintain facilities rather than create State owned and operated tax-supported facilities. Where the citizens are ready, willing, and able to do the job, government should exercise a controlling and protective role, not the role which private capital can and should do.

Remember, I said that the State boating administration, to my mind, merits the funds and will use them well. They use them presently for patrol boats, for harbors of refuge, and for education of the marine police and the public.

The Coast Guard presently budgets and gives to the States about \$5 million each year, but has served notice that this will not be included in their request for funds in 1981. By H.R. 4310 they will receive at least \$600,000 to receive the request from the States, to verify that the States meet the requirements of the bill, to determine the amounts to which the States will be eligible, to evaluate the proposals against the requirements of the bill, to allocate funds, to receive annual reports from the States, to evaluate these reports as to adherence to the terms of the grants, to inspect the projects as necessary, and to report to the Congress. These are all the things that they have been doing in connection with the funds they have been allocating up to the present time.

Thus, the Coast Guard is relieved of the necessity to spend \$2.5 million from their budgeted funds, and at the same time they are receiving an allocation of at least \$600,000 to do what they have been doing. A net gain of \$3 million. I should think that they would be lobbying heavily for H.R. 4310, except that by spelling out these duties, as has been done in sections 25 and 26, they are forced to create a new administrative entity, and this administrative entity must be matched in each State. Thus, a bigger Government. Where we really should be pressing for a smaller Government.

Now I call your attention to page 2, lines 13 and 16 of H.R. 4310. The Coast Guard does not have a very good record of creating specifications for recreational boats and equipment. For instance, the present regulations for marine sanitation devices are so loose as to allow the certification of devices which provide no treatment whatsoever, and even those which discharge pollutants, such as chlorine and formaldehyde, into the waters of the United States.

These regulations have been so badly written that the average citizen cannot understand them, and this has resulted in almost universal criticism of the rules and has led many boatowners to resolve to ignore them.

The response of the Coast Guard has been a refusal to explain. Rather, they have threatened the recreational boating public with arrest and heavy fines if the individual does not comply.

Since the rules are so vague and contradictory, the public is confused and reluctant to spend considerable sums of money which may later not be in accordance with the regulations.

In addition, all the devices which have been certified use electric power for their operation. Many, many boats do not have the required power aboard.

Furthermore, the public is reluctant to install energy-using equipment in these times of energy shortage. Use of electricity to operate heads aboard boats requires that the electricity be generated. This in turn uses fuel. It seems a waste.

Furthermore, the specifications generated to date by the Coast Guard very closely resemble those required for equipment in use in military vehicles. Thus, it is much more rugged and costly than the general public can afford or needs.

We suggest that the bill be amended to delete this requirement, the requirement that I am speaking of; that is, by authorizing the establishment of national construction and performance standards for boats and associated equipment and by creating more flexible authority governing the use of boats and equipment.

In summary, the bill provides for a cumbersome and expensive administration. We feel that there should be some other way of providing the funds for the Coast Guard so that they can continue in the way which they have been working, to allocate those funds to the States. We feel that the bill should be amended in order to take this into consideration.

Thank you.

Mr. BIAGGI. Thank you very much, Mr. Clark.

The meeting is adjourned.

[Whereupon, at 7:10 p.m., the subcommittee was adjourned.]

BOATING SAFETY

WEDNESDAY, AUGUST 29, 1979

HOUSE OF REPRESENTATIVES,
COMMITTEE ON MERCHANT MARINE AND FISHERIES,
SUBCOMMITTEE ON COAST GUARD AND NAVIGATION,
Rochester, N.Y.

The subcommittee met, pursuant to notice, at 10 a.m. in room 402, Federal Building, Representative Mario Biaggi, chairman of the subcommittee, presiding.

Mr. BIAGGI. The meeting is called to order.

The Subcommittee on Coast Guard and Navigation meets today to evaluate the impact of Federal assistance on New York State recreational boating efforts—the need for continuation of that assistance—and the possible expansion of its scope to assist in the development of badly needed new recreational boating facilities. This will be accomplished through enactment of H.R. 4310, the Recreational Boating Safety and Facilities Improvement Act of 1979, which I authored, and which is now pending before the subcommittee.

Situated on the shores of Lake Ontario, near the Finger Lakes region, midway between the St. Lawrence River and Lake Erie, Rochester is at the geographic center of recreational boating in upstate New York. The distribution of boat registrations in New York State attest to this fact. Encompassing such a wide diversity of inland boating activity, Rochester is in an especially suitable site for this hearing concerned with making boating safer and more enjoyable for the boating public.

What distinguishes this hearing from others that we have held in recreational boating safety is that today we will hear the comments and opinions of local boatmen concerning the adequacy of current boating safety efforts and the development of boating facilities. Among those witnesses testifying will be representatives of boating organizations, prominent boatmen and spokesmen for the boating manufacturing, distribution, and marine construction industries, as well as local marina operators.

The record developed in this proceeding should prove of substantial value to this subcommittee as we give further consideration to H.R. 4310—what has been called the most important piece of boating legislation in a decade.

I invite the candid assessment of our witnesses as to how well current programs in boating safety and facilities development have worked at the Federal, State, and local level, and what benefits have actually been achieved from the perspective of the individual boatman.

New York, for example, has utilized the bulk of its share of Federal boat safety grant funds to provide boating education courses to future operators prior to certification. I am told this program has had a significant impact on reducing boating accidents in New York State.

From my experience, the individual boatman's voice has all too often been drowned out by the more vocal and organized segments of the general public. This has been reflected in the low priority accorded recreational boating in the expenditure of public funds. For example, the 1965 Outdoor Recreational Bond Act in New York State has far from fulfilled its promise to provide additional boating facilities statewide.

This economic discrimination against boatmen also exists at the Federal level. A scrutiny of New York State's share of Federal Land and water conservation fund grants reveals that in fiscal year 1978 not a single identifiable boating facility project was financed with those funds, despite the fact that boating is the only recreational activity directly taxed to support that fund. I submit that, with New York State ranking seventh in the number of boat registrations nationally, it is entitled to its fair share of boating facility development funds.

The measure I have introduced will return to the boatmen, for the first time since marine fuels taxes were levied almost 25 years ago, his proportionate share of taxes paid by devoting that money exclusively to boating safety and facilities projects.

Incredibly, no one—not even the Secretary of the Treasury of the United States—knows how much money recreational boating pays in taxes each year. In all likelihood, it is many times the estimated \$35,000,000 that the Treasury annually transfers to the Land and Water Conservation Fund—representing an approximation of Federal marine fuels tax proceeds.

To the extent that boating taxes are underestimated, recreational boating continues to support highway development, mass transit, parkland acquisition, and airport and airway development—long after the Land and Water Conservation Fund was enacted in part to give the boatman a fair return on his investment.

Most recently, after I introduced the predecessor to H.R. 4310 last August, the last semblance of tax equity for the boatman was removed with the repeal by Public Law 95-618 of the marine fuels tax credit—equal to one-half of the 4-cent-per-gallon tax levied on gasoline and diesel fuels used in recreational boating.

In my opinion, that act set the sails for a boating tax revolution, predicated upon the theme that boating taxes should henceforth be devoted to boating activities. Approximately 33 States now earmark a portion of their State marine fuels tax revenue for boating safety and facilities improvement programs. It is now time that the Federal Government begin to match that effort and commitment.

It is imperative that we begin to plan to meet the projected shortfall in boating facilities caused by the ever-increasing number of recreational boats plying our waterways. The number of privately owned recreational boats has more than doubled since 1971—from 7 million numbered vessels to just over 14 million today.

This total is expected to double again by the year 2000—in spite of the energy crisis—as long as fuel in some form remains availa-

ble. Already in urban and coastal areas, severe over use of existing facilities has led to congestion and overcrowding of waterways, increasing the risk of boating accidents and fatalities.

H.R. 4310 represents a continuing commitment on the part of the Federal Government to further reduce the number and fatality rate of boating accidents by expanding the scope of Federal assistance to encompass the availability and distribution of adequate boating facilities.

It utilizes the existing Federal-State partnership in boating safety programs—a proven, efficient delivery system for boating safety services.

It accomplishes the twin objectives of boating safety and facilities development through the establishment of a permanent, secure source of funding for these programs. This will permit the orderly growth and expansion of recreational boating—along with the attendant reduction in boating accidents and fatalities by improving operator skills and by promoting the construction of safe, adequate boating facilities to support a boating population that is expected to increase threefold from its present 50 million by the year 2000.

I think the projection of the industry development calls for a more equitable treatment by the Federal Government, some foresight and some long-range planning and some short-range response. In the light of the projected figures, it would seem to me that we would be remiss as representative of government and as a government if we failed to act as quickly as possible.

This morning we have a number of witnesses and we are thankful for their presence and we are confident that their contribution will be of significant importance to this bill—perhaps even more important when we realize the number of boatmen we have in the Rochester area.

Without further ado, I will have the boating organization panel come forward—Miss JoAnne Fishman, chairman of the New York State Boating Advisory Council. You're front and center, JoAnne; Mr. Frank Shumway, Jr., Rochester Yacht Club accompanied by Mr. Peter Woodhaus, vice commodore of the Rochester Yacht Club; Mr. Roger Davis—is Mr. Davis here? Also, Mr. Robert Didio, district commander, U.S. Coast Guard Auxiliary, if he is present.

Ms. Fishman, as I said early on, it is nice to meet somebody who cares.

Ms. FISHMAN. The feeling is mutual.

STATEMENT OF JOANNE FISHMAN, CHAIRMAN, NEW YORK STATE BOATING ADVISORY COUNCIL

Ms. FISHMAN. Congressmen, ladies, and gentlemen, I am pleased to be here on behalf of the New York State Boating Advisory Council to discuss H.R. 4310. I am a sailor, but I did buy a gallon of fuel for my outboard this summer and I paid my 4 cents. So now I guess I'm entitled to give you my 2 cents worth.

In the past 8 years, the number of boats on the Nation's waterways has doubled. On the waters of Metropolitan New York 1 million boats operate during the summer, and in all, there are 56 million Americans who participate in recreational boating.

Looking ahead, studies show that in 20 years there will be more than 100 million boatmen. It would seem likely, by then, that the number of craft in Metropolitan New York will stand at 2 million.

My question to you is, Where will we put them?

We do not have sufficient facilities for the boats we already have. And this, after more than 20 years of paying the 4-cents-a-gallon marine fuel tax and watching it be used for conservation and other forms of recreation—almost anything but boating.

The tax originally was part of the overall levy on motor fuels imposed by the 1956 Highway Revenue Act. This money helped create the Interstate Highway System.

Congress intended that those who use the highways should pay for them. But the users of marine and aviation fuel got caught in the shuffle. The aviation fuel tax money long ago was channeled into a fund dedicated to aviation purposes. In 1965, the marine fuel tax money was diverted to the Land and Water Conservation Fund. But boatmen still feel their marine fuel tax dollars are not being used for boating. This is described at length in the August 22 letter from Barry Golomb, a member of our council, to Congressman Evans, which I am including but am not reading.

A spokesman for the Heritage Service, which manages this fund, says there is no way to separate the gains of the boating interest from this tax money because it is intertwined with all other recreational interests. This, precisely is the problem.

Boatmen do not need large park complexes or vast tracts of land. The boatman's greatest need is access to the water—particularly in the urban areas. In New York State, the urban centers are, for the most part, located on the water. And boatmen want to pay for these facilities with their own tax money. They are the users.

In New York City, which has more than 500 miles of shoreline, there are only a handful of municipal launching areas. In New York and Long Island, especially, dock space is at a premium. And mooring space is no better. In some cases, boatmen have had to wait 2 years to obtain a permit from the Coast Guard in order to moor their boats in crowded anchorages.

There is a tremendous crush on waterfront space. It's prime real estate and it is getting costlier every day. Many cities cannot afford to acquire more waterfront property, nor can they afford to develop what they already own.

This is true in New York City and New York State is in a similar predicament. It owns property on Long Island that would provide much needed access to Long Island Sound, but the State does not have the money to develop the site.

Yes, we need new facilities. But they do not need to be elaborate. Considering that the average size powerboat in New York State is 17 feet long, it would appear that the greatest need is for parking lots and launch ramps. A 17-foot boat is not a yacht and today's boatman is no J. P. Morgan. In fact, 87 percent of the boating households earn less than \$15,000 a year. These folks are not inclined to pay for costly slips. Instead, they will keep their boats on trailers in their backyards and they tow them to launch ramps when they want to get out on the water.

Another type of boating facility, though, is needed along the shore of Lake Erie and Lake Ontario. Here, boatmen need harbors

of refuge because the shoreline lacks indentations. Consequently, it is often a grave matter for a boatman to find a safe port in a storm.

We also must maintain the facilities we already have. For example, New York has more than 500 miles of barge canal system and it is heavily traveled by pleasure boats. The canal system, also, is a small boat route to the south from the Great Lakes. But, there are problems.

Portions of the canals are filling in. Locks are in need of repair. Old concrete walls have eroded so that jagged edges protrude that can damage a boat. And on the Seneca-Cayuga Canal, it is absolutely necessary that navigation lights be replaced.

Access, facilities, maintenance—they all cost money. And in 20 years, it looks as if we will need twice as much as we have now.

I realize that you have heard testimony regarding the importance of this bill to the continuance of State boating safety education programs. Suffice it to say that accident statistics involving graduates of the New York State program, as well as the current Coast Guard accident figures, illustrate how successful this program has been.

I also would like to point out that a purely volunteer program would be untenable. Certainly, the U.S. Power Squadrons, the American Red Cross, and the Coast Guard Auxiliary do an admirable job. But they are volunteers and their activities can be curtailed at any time. And this already has happened with the power squadrons in the State of New Jersey.

Essentially, there is no safety on the water without education. And it seems a matter of commonsense—in view of the fact that there is expected to be 50 million or so newcomers to boating in the next two decades—that we should be looking to expand these State programs rather than curtail or end them.

I've just about spent my 2 cents. But there is one last item I feel strongly about—enforcement. Without the proper tools, law enforcement is precarious at best.

The alarming growth of marine theft has caused redlining in most of New York City, except City Island. And this has spread to portions of Nassau County on Long Island as well.

We need boat titling. Now a marine dealer cannot determine whether the boat he is taking in on trade is stolen. The State department of motor vehicles, working with the office of parks and recreation and the council, has drafted boat titling legislation. The council also has urged that a State marine theft program be established using the hull identification numbers. And these numbers would be basic to boat titling.

But ultimately, the answer must be a national computer bank of these hull identification numbers—a project along the lines of the National Auto Theft Bureau. Portions of the funds from this proposed bill could be used to develop a pilot program along these lines.

Thank you, and now I would be happy to try to answer any questions you may have. That's it—the end of my 2 cents.

Mr. BIAGGI. I'll tell you, for 2 cents it is the best buy in town.

Ms. FISHMAN. Thank you.

Mr. BIAGGI. I have a number of comments and questions, Ms. Fishman, but before I get to them we will proceed to hear from Mr. Shumway.

STATEMENT OF FRANK R. SHUMWAY, JR., PRESIDENT OF SHUMWAY MARINE, REPRESENTING THE U.S. YACHT RACING UNION AND THE GREAT LAKES CRUISING CLUB

Mr. SHUMWAY. Good morning, and thank you very much for the opportunity to be here today to speak at this hearing. I appreciate it very much, being able to discuss the important subject of recreational boating safety and boating facilities.

My name is Frank Shumway. I am president of Shumway Marine, an active marina and boat yard in Rochester, N.Y. I'm a past director of the U.S. Yacht Racing Union, and I speak on their behalf representing over 8,000 racing sailboat skippers in this country.

I am a member of the Great Lakes Cruising Club, and organization of some 2,500 sailors and powerboaters who cruise and chart the waters of the Great Lakes. I have been asked by the Great Lakes Cruising Club to speak on their behalf in favor of H.R. 4310.

I am a past president of the Lake Yacht Racing Association, a past president of the Yacht Racing Union of the Great Lakes, a past commodore of the Rochester Yacht Club and a past member of the board and Safety Committee of the Rochester Chapter of the American Red Cross. I am also a member of the Genesee Marine Trade Association and several other boating organizations.

My father, who is a past chief commander of the U.S. Power Squadron, a past commodore of the Great Lakes Cruising Club, a past commodore of the Rochester Yacht Club and a past member of the President's Advisory Committee expresses his regret that he could not be here today and has asked that I speak on his behalf in favor of the passage of H.R. 4310. I boated as a child with my father and have actively sailed and boated on Lake Ontario and many other locations ever since.

In reviewing the written statements of the Honorable John Murphy, the Honorable William Hughes, Al Simon, Ron Stone, Barry Golomb, John Prenderville and Matt Kaufman, they have been much more eloquent than I could be in describing why the funds should properly go to recreational boating. Rather than try to repeat what they have said so well, I would like this morning to just briefly touch on some of the needs for safety and facilities in this part of the country, needs that I am familiar with.

The recent Fastnet race certainly has brought yachting to the forefront of the American press. For the first time, a major yachting race was the subject of articles on the front pages of almost every newspaper in this country. Unfortunately, it was tragedy which brought yachting to the front pages of America. Such storms infrequently hit our geographical location. However, during one of our long distance races on the lake last year, we had a violent thunderstorm with winds in the 60- to 70-knot range and were unfortunate enough to have a single loss of life.

This loss occurred despite our best efforts at trying to assure all boats in the race be equipped with the latest in safety gear. Unfortunately, I do not believe the skipper or crew of the boat involved

were familiar with the proper techniques of rescuing a man overboard. These techniques must be taught to all boaters.

While the Power Squadron, the U.S. Coast Guard Auxiliary and the American Red Cross all do an admirable job in teaching boating safety, the great growth of boating needs an intensification of safety education in the world of boating. Funds are needed to publish more safety information for boating's newcomers.

You will hear, I am certain, from other speakers about the great growth of fishing that is occurring in the Lake Ontario area. The building of the fisheries and the stocking of the lake means an ever increasing number of people who will be utilizing Lake Ontario. Their education as to emergency techniques in times of emergencies is essential.

Some years ago, a freak thunderstorm came through Cleveland on Lake Erie, capsizing several boats and causing some loss of life. The need for additional ports of refuge such as Braddock Bay, Irondequoit Bay and other bays between major harbors is necessary so that those out fishing or boating may quickly seek ports of refuge.

In this area, Rochester and Monroe Counties have one of the most dense boating populations. Approximately 27,000 boats are registered here. Serving this boating population has been the sole responsibility of the commercial marina operator.

The Rochester Harbor on the Genesee River is considered by area boaters to be the local boating center. Yet, in this area, which supposedly services thousands of boaters, there is not one public means of access on the Genesee River. There are no public facilities. The commercial facilities provide docking for only 1,200 or 1,300 boats, with an additional 400 docks provided by private dock owners. Moorings are not practical in the area. The demand for boating is growing at a rapid pace, yet there is no proposed expansion by any commercial marina. The cost of such construction has gone beyond the reach of the marina operators.

If fishing grows in accordance with current predictions, there will not be enough access in Monroe County to Lake Ontario for the fishermen. Furthermore, in a heavy Northeaster, the surge coming down the Genesee River causes the boats at both the Rochester Yacht Club, Shumway Marina, Anchor Marina and others to bounce around from the surge. It is a very dangerous situation, with people trying to tie them up at night or during the storm. They could slip and go overboard.

A breakwall or extension of one pier across the other would reduce the surge in the river and would add to the safety of all boats currently in the river. It would allow more boats to dock in the river and allow additional ramps to be placed close to the lake. Without such a breakwall, such ramps might be useless in times of Northeasters.

Speaking on behalf of the U.S. Yacht Racing Union, they leased Association Island for a period of 3 years; 1974, 1975, and 1976. This is an island that is in the northeastern part of Lake Ontario near Henderson Harbor. This is used as a sailing center for one design sailing classes throughout the country, who hosted their regional and national championships there. It is a gorgeous island

near Henderson Harbor, which the U.S. Yacht Racing Union could not afford to continue to operate.

With Federal and State financing, this could be made a very active fishing and yachting center for the Northeast. There is good access to the water and good campsites available for those who either want to fish or race in class championships. The reactivation of this site would be good for all recreational boaters.

It was at this same island that Olympic trials were held for yachting in 1976. The site lends itself well as an educational and regatta site.

Please consider positively H.R. 4310. We urge all yachtsmen/businessmen to see that this bill is passed and give back to boating what is due them.

Thank you very much.

Mr. BIAGGI. Thank you, Mr. Shumway.

That was a interesting comparison. We are all familiar with the recent turbulence in the Fastnet race. I know I woke up one morning and heard the radio reports, and a good friend of mine, Bert Canin from New Orleans, was reported among the missing. I called, and happily, he and others found their way to safety. I think the world looked at that particular event and didn't relate it, really, to any local possibility or experience.

What you have told us here is that you have had similar experiences and the potential for disaster on Lake Ontario.

Mr. SHUMWAY. Well, this storm that did go through, I don't have all of the details, but I know that it was a very severe thunderstorm that went through on the Fourth of July weekend in Cleveland, which I did mention. There was a considerable amount of small boats overturned and they had a considerable problem with that.

As I say, we have had several long distance races on this lake and we have had and we do have storms on this lake that are capable of doing some damage, requiring good ports of refuge.

Mr. BIAGGI. My experience so far with these hearings and from our own research has been that the boating population is an orphan. They have no real constituency. With all respect to the existing organizations, they have come to almost take what has developed into their lot relatively quietly.

Ms. FISHMAN. That was true until—

Mr. BIAGGI. The operative word is relatively. The relation I think I made in my opening statement, compared to other vocal and more organized segments of our American populations that really galvanize into organized action on a consistent basis, ofttime with less merit than the boating people have, and with more productivity.

There is a clear challenge, and it is a challenge which I think should be met. That is the intention of the bill.

I think you make an important point, Ms. Fishman, when you say boatmen conjures up visions of big yachts and very wealthy people as a universal population. You can hardly drum up any sympathy for big yachts and very wealthy people on a nationwide basis.

However, as your statement say, most of the people are under \$15,000 of earned income. That doesn't make it less notorious an

issue because you have big yachts, but we should at least emphasize the strong points in our presentation.

You also made another very important point, that what was seemingly abundant a generation or two ago, the shoreline, is disappearing quickly. That is for a host of reasons, and one of them is the tendency on the part of the American population to live by the water, to get the best of all worlds. The real estate values are skyrocketing. They are purchasing marinas, buying them right out.

Ms. FISHMAN. For condominiums.

Mr. BIAGGI. That's right. And they are paying them good prices, and those fellows who have struggled with these marinas for too many years, just might be tired and can't resist that pot of gold at the end of the rainbow. It just makes good business sense, too, from their point of view. But, the net result is that less and less waterfront property is available for boats.

On the other hand, you have a burgeoning boating industry.

I don't know how successful we are going to be with this bill. It has all the merit, but I assure you, I can't do it alone nor can the members of this committee do it alone.

We have a constituency that has the potential of seeing that this bill is enacted into law. Boatmen have a way—I have many freinds and they have a zeal, they have a love for boats. I'm a boatman myself—at least I was until I became a Member of Congress. I just had to give it up, I couldn't just let it deteriorate.

We all know our feelings toward boating and our passion for it. If we converted some of that passion into legislative endeavors on a area, and deal with the representatives in Washington to try to engage their support.

I mean not try to just have them support the bill, but have them join you side by side in lobbying for it so that they influence other Members of Congress.

You make reference, Ms. Fishman, to the barge canal, and I understand that the Senate had hearings that would federalize that canal. If that is enacted into law, it should help substantially. Frankly, I think that is the only way that barge canal will be fully rehabilitated. I don't know if the State has the inclination or the finances to do that job, but it would enhance the boating of many people.

I have a few questions that I want to direct to both you, Ms. Fishman, and also Mr. Shumway.

First, New York State has utilized Federal Boat Safety Act funds to provide boating education courses prior to certification for operators between the ages of 10 and 16 years of age who independently operate motorboats in the State. From your perspective, does this represent an effective use of Federal funds? Has this expenditure contributed to recreational boating safety in New York State? Should Federal assistance be continued? These are a few of the questions that we would like to have answered for the record.

Ms. Fishman?

Ms. FISHMAN. Well, there was a study done of graduates who have been through this program, and their accident rate was compared to that of the national average and they had nine times fewer accidents. I think that says it all right there.

Mr. BIAGGI. Counsel tells me that the program has had 100,000 graduates and only 1 of those was involved in an accident resulting in a death. That seems to be a very good record.

Mr. SHUMWAY. I think that speaks very well.

Ms. FISHMAN. And if you have ever seen little kids, youngsters, in a boat, you know what it takes to restrain them in a powerboat.

Mr. BIAGGI. That is one of the problems of the whole boating system, anyone can jump in a boat and ride.

Mr. SHUMWAY. Many new boaters get in the boat without any understanding of right of way rules or the problems of wake, problems of speed, sharp turns and so forth.

Mr. BIAGGI. I remember when I first got in a boat. I was a menace.

Can I get a response on the latter question, should Federal response be continued?

Mr. SHUMWAY. Yes, definitely it should be continued.

Mr. BIAGGI. Ms. Fishman?

Ms. FISHMAN. Yes, it should.

Mr. BIAGGI. From your knowledge, how much of the \$60 million earmarked for recreational boating by the Outdoor Recreation Bond Act of 1965 in New York has actually been utilized for the construction of new recreational boating facilities?

Ms. FISHMAN. I think that is the money that we refer to as the mysteriously missing \$60 million—and nobody seems to know where it went. It is just one of those lapses in bureaucracy.

The money was collected and it was spent, but it just so happens that nobody knows where it was spent. It was not spent on boating, though. There is no record of it having been spent on boating.

It is like waving a red flag in front of boatmen in New York State to mention the bond issue and holding tanks. That will do it.

Mr. BIAGGI. Counsel advises me that your boating fees paid a debt service on that bond issue.

Ms. FISHMAN. I didn't know that.

Mr. BIAGGI. So that money has not been used, obviously, on boating. As more of this picture unfolds, you realize how much the boatmen have been given short shrift.

What benefits, in terms of the construction of new boating facilities, have resulted from the expenditure of Federal land and water conservation funds in New York State?

Mr. SHUMWAY. I don't know of any in this area.

Ms. FISHMAN. I don't know of any.

Mr. SHUMWAY. I know of no Federal expenditure of money in this area, other than perhaps—I don't know who built the break-wall in Oak Orchard.

Mr. BIAGGI. I'm advised that was authorized by the Corps of Engineers, and that was done 25 years ago. When did they built it?

Mr. SHUMWAY. Within the last 2 or 3 years.

Mr. BIAGGI. They finally got to it?

Mr. SHUMWAY. Right. But they built it for Oak Orchard but we need it also in Rochester. We have a large boating population there and we have supposedly a commercial port with no commercial traffic except two cement boats. There has been nothing done for recreational boating at all.

Mr. BIAGGI. Tell me, what happens to Rochester when Northeasters come in?

Mr. SHUMWAY. Well, you get a bad Northeaster and it can destroy the docks at all of the boating areas. It gets all of the boats rocking so bad, a lot of them have to be move up-river. They have a very heavy and high surge.

We invested, at my commercial marina so far, \$180,000 on a breakwall which has just been destroyed by the Northeasters. You can't keep anything in place because of the tremendous surge on the river.

Mr. BIAGGI. I remember looking at my boat just before a Northeaster struck. I never saw it again. It just disappeared. I moored it at City Island, which is not one of the red line districts.

Has the development of new boating facilities within this region kept pace with the growth of recreational boating activity?

Ms. FISHMAN. No.

Mr. BIAGGI. That would seem rather obvious.

What types of facilities, public and private marinas, boat launching ramps, dry stack storage, are in short supply?

Mr. SHUMWAY. They are all in short supply. There are not hardly any docks available on the Genesee River. There are only three launching ramps, all at commercial marinas on the river, none of which have enough parking for the type of people that want to use them. They are narrow, small launching ramps. We just don't have the facilities necessary.

Mr. BIAGGI. Did you say, Ms. Fishman, that many people have to wait 2 years to get a slip?

Ms. FISHMAN. Yes. The Coast Guard issues permits to five harbors in the metropolitan area of New York.

Mr. BIAGGI. What is the average transit time for boatmen in this region to a safe convenient launching area? How much fuel is expended in transit time?

Mr. SHUMWAY. Well, for most of the people in the Rochester area, they would have a half hour drive to the launching ramps on the Genesee River. Or, they might have to go to the Finger Lakes, which would be a half hour or three-quarters of an hour.

Mr. BIAGGI. This again is an obvious answer, but are existing facilities overcrowded?

Mr. SHUMWAY. Yes.

Ms. FISHMAN. Yes.

Mr. BIAGGI. I share the humor, but we are trying to establish a record. It is on the basis of the record that we can justify this bill. When other committees and other members review the legislation, they will have staff look at the record. Some people don't know what a boat is.

Mr. SHUMWAY. A better sort of an answer, Mr. Chairman, would be that I have about 180 docks at my marina. We do not even now keep a waiting list, because a waiting list is really useless. People who now would go on to our waiting list have really no chance of getting a dock at our location within the next 3 to 5 years.

Mr. BIAGGI. Well, that will tell the story very graphically to anyone who is reading this record. You have staff members who review a record so that they can recommend to the members a position. On the basis or record, they will make assessments.

What you and I may take for granted and understood does not necessarily follow on a universal basis. So, you will have to forgive some of the questions.

In your judgment, can such conditions lead to overcrowding and congestion of waterways and consequent increase in the risk of boating accidents or fatalities?

Mr. SHUMWAY. Yes.

Ms. FISHMAN. We are already seeing that. We are already seeing accidents because of people who don't know about limited wakes, anchorages. They just run through and small boats are capsized. We see a lot of that.

We see people who go out in a small boat and they don't know how to swim and they don't wear a PFD. So, we are seeing that right now yes.

Mr. BIAGGI. Do you believe that recreational boating has gotten its fair share of funds and programs, such as the Land and Water Conservation Act? I think you responded to that before. Have you gotten anything?

Mr. SHUMWAY. Not that I know of, we haven't gotten anything at all.

Mr. BIAGGI. You know, to the extent that the Treasury is underestimating, you are subsidizing and supporting the highway trust fund, airport development, mass transit, highways; it is ironic. You're not getting anything.

Mr. SHUMWAY. The ironic thing is that we put the money into it.

Mr. BIAGGI. That's my point. You put the money into it ostensibly for the purpose of assisting your industry.

I think the problem, and I pointed this out before, is the image of the boatman that is what has to be stressed. Boatmen, by and large, are people with middle income or less.

Ms. FISHMAN. And then it becomes a focal point for their recreation, because the average boat is \$2,500. If you are earning less than \$15,000 a year, that becomes your major family recreation.

Mr. SHUMWAY. The other significant factor that has sort of proven that fact is that probably 99.5 percent of all boats today are financed. Years ago, when you talked about the yachtsman and the big boater, they came in and they bought their boats and they paid cash for their boats. But today almost every single boat that is sold is sold with a finance contract.

Mr. BIAGGI. The same as buying an automobile.

Mr. SHUMWAY. The same as buying an automobile, right. Because of the availability of financing, that is one of the things that has made boating available to the common masses of America; that and the ability to reproduce boats out of fiberglass.

And the resale value, I think, has also proven to be very high. So, those three major factors have allowed the masses of America to get into boating and enjoy boating.

Mr. BIAGGI. There is an old story of a fellow then went into a boatyard. They had these big yachts on display, and he asked the salesman how much gas it burned and how much it would cost to maintain. The salesman responded that if you must ask the question, you can't afford the boat. But those days have changed.

Mr. SHUMWAY. Yes, they have.

Mr. BIAGGI. From the New York recreational boating survey, it states that the typical New York boater is male, 46 years of age, has 14 years of education, is employed in a professional or technical occupation, has a gross annual family income of \$18,000. I don't know how you classify that during this inflation, but it is certainly not the wealthy kind of person that has been pictured as a boatman. I think that is where the problem is and that is the story that has to be told.

Ms. FISHMAN. If I could add one more detail, that is that boatmen who earn \$25,000 a year only constitute 2 percent of the boatmen in the country.

Mr. BIAGGI. That is an interesting fact and a very important fact, by the way.

Let's say we get this legislation to the floor. Members have a way of engaging in passionate rhetoric. The argument that would be put forth, especially by advocates of mass transit or even highway development when they see some funds jeopardized, they will present pictures of large yachts, big sailboats, value: \$1 million, \$3 million, \$4 million.

And they will beat that drum and beat it effectively, notwithstanding the merits. And other members will say, "Hold it. Why should I put myself in a defensive position?"

Ms. FISHMAN. That has always been the case, I think.

Mr. BIAGGI. That's true, except we have substantial arguments. We have facts. The case is on our side.

So, it is really a challenge, by them projecting this picture. That is where the major negative is, the accepted image that has been established.

Ms. FISHMAN. I think there is one other thing that Mr. Shumway mentioned, and that is, while you see a lot of boats on the water that are maybe worth \$30,000 or \$40,000, people can start very small now, through financing. It is just like having a house; you built up on your equity.

Your boat that you bought 15 years ago retains pretty much of its full value. You can turn that around and buy a \$30,000 or \$40,000 yacht.

Mr. BIAGGI. It is almost a way of life. You start off with a little skiff and before you know it, you have intermediate purchases, and you are into something a little more substantial, more luxurious.

I'm just emphasizing what the negatives or problems might be in getting this bill passed.

Do you favor a return of the marine fuels tax revenue to the States for the development of new boating facilities, even if this resulted in the land and water conservation fund withholding support for boating facilities in the future? Think about that one for a second.

Ms. FISHMAN. I think one should have nothing to do with the other.

Mr. BIAGGI. I didn't pose it that way.

Ms. FISHMAN. Yes, I would, because it would be a guaranteed return. On the other hand, I don't think the return of this money should jeopardize any facilities that would be part of the normal planning of the Heritage Service for the use of those funds.

Mr. BIAGGI. I agree with you. To your knowledge, in the course of normal planning, has it contained any facilities?

Ms. FISHMAN. Present planning for land and water conservation? Mr. BIAGGI. Yes.

Ms. FISHMAN. I read some of their 1978 task force reports, where they're preparing now a nationwide recreation program that is due to be out in a couple of months. There was nothing in there. There was not even the mention of the word boat in all of those task force reports.

Mr. BIAGGI. We received their 1978 expenditures, and there wasn't a single item. That is the continuation of a thinking.

Ms. FISHMAN. Well, I think that certainly the Coast Guard could be a lead agency here, and it would guarantee a certain regular—it would guarantee continuity of funds. You can't plan anything unless you have continuity of funds.

Mr. BIAGGI. That's true. I would like, at this point, insert into the record that land and water Conservation Report of 1978 expenditures, which makes the point very graphically for us.

Should new boating facilities be constructed in urban and coastal areas near to where most boatmen reside?

Mr. SHUMWAY. Obviously, yes.

Mr. BIAGGI. Would this contribute to energy conservation in the reduction of transit time to distant boating facilities?

Mr. SHUMWAY. Yes, because the lack of facilities here in Rochester is forcing people to go 30 miles away or 60 miles away or go on up into the harbors in the eastern part of the lake. That changes the transit time from ½ hour to about 3 hours.

Mr. BIAGGI. And you have fuel being used by the motor vehicle as well as the boat.

Mr. SHUMWAY. On a weekend basis, the increase of safe facilities in the local area would definitely reduce the transit time and put more boating in the local areas.

Ms. FISHMAN. I would like to add that as the water quality improves in the urban centers, people are going to want to use it because they are going to be accessible.

Mr. BIAGGI. And the water quality is improving.

Ms. FISHMAN. Well——

Mr. BIAGGI. Down in New York City it is. Fish are coming back to the East River.

Ms. FISHMAN. In some respects, yes.

Mr. BIAGGI. I think you are much younger than I am, Ms. Fishman. There was a time when you used to call swimming in the East River a suicide venture. I don't know how many people swim there now, because you have many other facilities. But it is comparatively clean.

Mr. SHUMWAY. It is definitely better in this area. They are now catching off of our East Pier, bass and yellow perch, which haven't been caught here for a number of years.

Mr. BIAGGI. We have crabs in the Hudson coming back. That used to be a great crabbing area. And shad—they are having trouble with shad, but bluefish are coming back to the East River.

But the fragrances are no longer present at low tide. There has been a great, great improvement, really.

Ms. FISHMAN. But there is such a long way to go.

Mr. BIAGGI. That's true.

Ms. FISHMAN. But as the waters improve, people are going to want to go there.

Mr. BIAGGI. Absent the provision of new facilities, could the projected shortfall in boating facilities relative to the increase in recreational boating have a negative impact on new boating sales? Let me put it a different way: If you don't have a garage, would you buy a car? Or, if you don't have a place to put it, would you buy a boat?

Mr. SHUMWAY. That is a very, very significant and important subject, and there is no question that sales will suffer if there is no place to go. It has been a problem with this area over the last several years. Boat sales have definitely tended to decline if there are no facilities for the boats.

Mr. BIAGGI. We have a wire here from Dennis Griesing, where he states, and I'm sure he will state it again, that the recreational boating industry employed 550,000 persons and accounted for \$650 billion in annual sales. That is substantial, especially when you consider the flap being caused over Chrysler Motors going out of business.

Mr. SHUMWAY. \$20,000 of Chrysler Motors is in boating.

Mr. BIAGGI. But the point is, government is getting involved with Chrysler. It should be aware of boating.

Passage of H.R. 4310 would increase Federal assistance to State boating safety and facilities improvements in New York State tenfold. How should these funds be expended in terms of boating safety education, assistance and enforcement projects—and in the provision of new boating facilities projects in New York State?

When I say tenfold, it is projected—we had a printout—that for safety, it would be \$249,606 and for facilities it would be \$665,212.

Mr. SHUMWAY. I don't know how it would be done. I assume that it would have to be up to some subcommittees, boating groups and so forth to decide how to spend this money.

Ms. FISHMAN. I would think that you would have to have a master plan for the State.

Mr. BIAGGI. Well, they are matching funds. Again, we have, on that New York recreational boating survey, it was indicated when available, funds should be spent on the development of launching facilities, boating safety education operator licensing, and boating law enforcement.

Ms. FISHMAN. I think the actual plan, you know, what is done first, would have to be part of a comprehensive State plan.

Mr. BIAGGI. New York State has undertaken a program of promoting tourism in the north country. Is the availability of adequate boating facilities a significant attraction of this region to additional tourism?

Mr. SHUMWAY. Well, we have had a active tourism. Specifically, we have had fishing derbies. That is one of things that has also been very active in this area. We invited all of the people to come up here and then we have no place for them to put their boats in the water.

We need more facilities to attract more people to New York State. We need more launching ramps and more—almost like parkland like the Canadians have done. They have done an unbeliev-

ably good job of their shoreline for boaters all through the Thousand Islands. They have parks with docks on them and launching sites and a real opportunity for the people to use the waterfront and that part just across the border from the United States. We need that same type of thing if we are going to attract people to New York State.

Mr. BIAGGI. How did the Canadians develop that? Is that using public funds?

Mr. SHUMWAY. I think it is all public funds, yes. They built that Olympic site in Kingston, for instance, in 1976. That whole Olympic village was turned into a public marina in Kingston. All along in their shoreline, they have parks and areas which can be utilized on the waterfront. They have done a very good job.

Mr. BIAGGI. You made reference to titling of boats. Would you recommend I reintroduce my marine theft legislation to establish a computer bank?

Ms. FISHMAN. Yes; I would.

Mr. BIAGGI. I understand that the boat advisory committee is reviewing it. We have had hearing, mostly in Florida. There was a unit in the New York City Police Department that worked very effectively, but was phased out because of lack of funds.

Boats today, are being stolen and transported in the same fashion automobiles were at the time that we had the original Federal legislation, and in great numbers.

Again, boating, in its fullest perspective hasn't been looked upon by the public or by government officials carefully to understand, one, its magnitude, and two, all of the fallout problems.

Ms. FISHMAN. The insurance companies are starting to take a real close look. For many of them, underwriting boats is becoming a losing proposition.

Mr. BIAGGI. That will focus attention on the problem. Whenever there are dollars involved, people respond.

Again, I think we have a mutual concern, and we have the potential of developing, if we act promptly and effectively on the constituent components of the industry, something productive.

I thank both of you for your presence and interest in the industry. Hopefully, we can thank you for your continuing cooperation.

Mr. SHUMWAY. Thank you.

Ms. FISHMAN. Thank you.

Mr. BIAGGI. Mr. Woodams, do you have a statement to make?

Mr. WOODAMS. Yes; I do.

STATEMENT OF PETER M. WOODAMS, VICE COMMODORE, ROCHESTER YACHT CLUB

Mr. WOODAMS. Members of the committee, I'm here to represent the Rochester Yacht Club. I might say, in view of the remarks that have been made already, I should make a short statement in defense of yacht owners. If you think that boat owners is an unfortunate phrase, think of the problem that we have with the term yacht owner.

The Rochester Yacht Club, as I think with other yacht clubs, no longer is an organization where people go to sea in high white starched collars and blue blazers.

Mr. BIAGGI. By the way, there is nothing wrong with that. I'm in favor of upward mobility. I don't want to take away that pot of gold at the end of the rainbow. Whoever can make it, God bless.

Mr. WOODAMS. I understand that, and I hope that will be my case. But I want to assure you, first, that the average member of the Rochester Yacht Club quite closely resembles your profile of the average boat owner and his income status and his occupation and so on.

I might also say that we conduct very effective instructional sailing and boating programs for the public in this area. So, I think that we are not just an enclave of J. P. Morgans.

My short statement is on behalf of the Rochester Yacht Club, and while I admit it is from a more local point of view than Mr. Shumway's and Ms. Fishman's, I think that it will perhaps add something to your understanding of the boating situation in this area.

Mr. BIAGGI. I'm sure it will

Mr. WOODAMS. It is my privilege as vice commodore of the Rochester Yacht Club to speak on behalf of an organization founded in 1877 and now numbering about 600 members, or 2,000, including families. We are in spirit and fact a boating organization whose racing and cruising boats each year carry our burgees throughout the Great Lakes and to the waters beyond.

Although we are fortunate to be located at the mouth of the Genesee River with easy access to Lake Ontario, the total capacity for mooring represented by our club and nearby marinas has definite limits, with little prospect for expansion. As boating popularity in our county of about a million persons continues to grow, launching and mooring have become increasingly critical problems.

The most common question among individuals inquiring about membership in the club is the availability of mooring space. That now involves a waiting period of up to 2 years. Present energy problems can only accelerate this situation and in particular, stimulate a growing interest in sailing boats.

A major step forward in the Rochester area would be the opening and development of nearby Irondequiot and Braddock Bays. This would add significantly to area mooring and launching capacity, as well as provide safe refuge for small boats. It is my understanding that this question and its financial implications will be further detailed by another speak.

In addition to opportunities for development of Irondequiot and Braddock Bays, it has been suggested that thought be given to possible expansion of mooring and launching capacity in the Genesee River. For example, the construction of a breakwater to shelter the presently exposed river shore line from the incoming seas could make possible the addition of public and private safe mooring and launching sites.

Lake Ontario is surely the great natural resource of our community and access to all desiring it is essential. As boating continues to expand, the accompanying need for sensible safety facilities and program is equally obvious.

The Rochester Yacht Club consider it our responsibility to take a leadership position in the Rochester boating community. We wholeheartedly support bill H.R. 4310 on the principle that tax funds

collected from our fuel purchases should be used to support the increasing need for public boating facilities, as well as boating safety.

Congressman, I have just one question, based on your discussion with Mr. Shumway and Ms. Fishman. I had the opportunity this spring to take a friend to Cleveland to pick up a boat that was being sent back this way. I left him off at a very large and extensive and I believe public mooring facility.

I would be interested to know whether, in your opinion, part of the problem is that New York State has not requested, received, or used a share of the funds allocated. Have other States been more fortunate or more forceful than we have in securing Federal funds? Is the same situation that we are describing today also being described in other States?

Mr. BIAGGI. Well, insofar as it related to the funding that States received from the Land and Water Conservation Act, obviously we have heard testimony here just moments ago that the 1978 expenditure reports of those funds showed that no moneys were allocated for such facilities.

Mr. WOODAMS. That is true of New York State, but my question is: Is it true of other States as well?

Mr. BIAGGI. I don't know if we have that information. Other States have received funding, but the question, as I understand it, that is posed is have other States received their proportionate share of such facilities. Is that the question that you are asking?

Mr. WOODAMS. Well, based on my observation of this one facility, I would say that that one large facility is one more facility than what we have.

Mr. BIAGGI. Counsel advises me that Michigan obtained more land and water funds than any other State in the country.

The point we make is that we are not getting—the boaters are not getting—their fair share of the taxes; \$35,000,000 is set aside from the Land and Water Conservation Act. It is estimated by the Treasury itself that boat fees are very substantially underestimated—four and five times perhaps. Now we come back to this end of it again and here, in the State of New York, even those funds that are allocated are not being used for the development and construction of recreational boating facilities. That is where we should really address ourselves.

It should be a two-fold approach. One, to see that some of those funds are directed into constructing facilities and two, the bill itself. If we can get the bill, it speaks for itself. There would be an increase of some tenfold, and the moneys will be so directed.

When you look at the overall picture, it is a pittance compared to what we feel are just desserts.

Before you go, are you supportive of the statements made by Mr. Shumway and Ms. Fishman?

Mr. WOODAMS. Absolutely; yes.

Mr. BIAGGI. Thank you very much.

Let me repeat, Mr. Woodams, although the image of the big yachtman in the blue blazer, or whatever, there is nothing wrong with that. I guess most people started off poor. A lot of those yacht owners started off poor—not all of them, but some of them did.

I dreamt of owning a boat when I was young and my income wasn't so good. First I dreamt of having a car, and then when I got the car, I thought of having a boat. Then, when I got a boat, I thought of getting a house. I never got the house for a lot of reasons, but you shouldn't take away the opportunity to dream. That would be deadly. Let's not change the rules in the middle of the game when the opportunity is broadened for everybody.

Mr. WOODAMS. Thank you.

Mr. BIAGGI. Representing the boating industry, Mr. William Koelbel, Marine Docks, Division of BERO Construction Corp., Waterloo, N.Y. Mr. Dennis Griesing, National Association of Engine & Boat Manufacturers; Scott Scudder, president of Genesee Marine Trades Association; and Marshall Seager of Seager Marine.

Mr. Koelbel?

STATEMENT OF WILLIAM H. KOELBEL, MARINE DOCKS DIVISION OF BERO CONSTRUCTION CORP.

Mr. KOELBEL. Congressman, ladies and gentlemen, I am William H. Koelbel and I'm general manager of the Marine Docks Division of BERO Corp., Waterloo, N.Y. I'm also a member of the New York State Boating Advisory Council and chairman of its facilities subcommittee.

I am clearly in favor of the Biaggi bill for the following reasons:

First, gas tax dollars paid by boaters in nonhighway use are now used for other purposes. These dollars are critically needed now to aid in the construction and maintenance of boating facilities, waterways, theft, and education programs.

Harbors of refuge are badly needed along the U.S. shoreline of all the Great Lakes. Each year, in storms, lives are lost that could be saved.

Maintenance—today, facilities, such as the Barge Canal system with its locks go without proper maintenance for lack of money. Yet, each year accidents continue because lights are out, day markers are missing or misplaced; locks are in a state of disrepair with great crevices in the walls.

Theft—there is literally no cohesive theft deterrent program in the United States. Yet, the losses each year are in the millions of dollars. We need a cohesive deterrent force to protect the boater and his equipment.

Education—the best way to save lives is through education. The existing programs should be extended and new programs instituted. The growth in the number of people in boating and water related sports has increased at a much faster rate than our capacity to supply fundamental knowledge for survival.

The Biaggi bill, H.R. 4310, will create a fund that can aid in all of these programs. It will put the boater's bucks back in the boater's booty.

That's the end of my formal statement, but I have a few comments that I would like to make in relation to it.

One, there should be some stress, I think, on the redevelopment of urban area. For instance, the New York City waterfront—it is just nothing but crime from wall to wall. If we could redevelop that into successful operating marine facilities, we could do two things.

We could revitalize the area and two, we could take care of the lack of facilities.

That exists in all urban areas. The waterfronts have become decrepit in many areas, with people opting for the suburban beautified areas where the prices just escalate like crazy. And yet, that urban area goes unheeded. So, I think that's one area that really would be essential to boating to help the people.

Another thing is that—

Mr. BIAGGI. What you're saying, then, is bring boating where the people are?

Mr. KOELBEL. Yes; right. You mean, you would accomplish a dual purpose. You would not only beautify the area, but you would solve a problem and supply a needed facility.

Mr. BIAGGI. And bring business back.

Mr. KOELBEL. And bring business back to urban areas that now are sadly lacking in business.

I was in Staten Island just a month and a half ago. Hopefully, they will find funding to do a job that they badly need. They are going to tear down old wharfs and structures and rebuild new facilities in an area that, then, will be beautiful. It will be something that the people can use, rather than what it is now, which is nothing but a home for crime.

Mr. BIAGGI. When you say the waterfront in New York is crime ridden, are you talking about specifically Staten Island?

Mr. KOELBEL. Not necessarily; no. Look at the piers, look at the docks.

Mr. BIAGGI. There is nothing on the West Side anymore.

Mr. KOELBEL. That's what I'm saying.

Mr. BIAGGI. There is no activity at all.

Mr. KOELBEL. Yes; there is nothing there now. We should rebuild that into facilities that would revitalize that whole area.

Mr. BIAGGI. There was a time when that side of the Hudson was a beehive of activity. It is virtually abandoned—well, not abandoned. It looks better than it did.

Mr. KOELBEL. The World Trade Center area is a start.

Mr. BIAGGI. Further up they are eliminating some of the old piers. The problem, I think, with that is the decision to deal ultimately with the West Way, if they could decide what to do with the West Way and the whole waterfront situation.

What you ask for is excellent. It is true. The Hudson could be beautiful, and we really could develop that aesthetically as well as practically.

Mr. KOELBEL. Right. And to some degree, that exists in every urban area throughout New York State. While New York City has the biggest dollar and the biggest area involved, that exists everywhere else.

Another point that I think is important is that a great number of problems exist, and certainly we have detailed many of them. Following JoAnne and Frank is a tough act to follow. They certainly covered many, many areas. But probably the most significant thing, in my opinion, that has to happen in order to get your bill passed is that the image of the boatman has got to change. People have to recognize—they have to see the boatman in true light, that it is the masses of people looking for recreation.

Mr. BIAGGI. Isn't that what I said?

Mr. KOELBEL. Yes; and I think that there lies the biggest deterrent. That is the thing that has to be pushed.

Another thing, Mr Woodams was talking about States. Because of my business, we do develop marinas in different States. The criteria are very whimsical from State to State.

If the planners at the State level like boating, if it is politically sound in the State at the moment, docks will be added to parks and recreation projects.

Mr. BIAGGI. If they like boating?

Mr. KOELBEL. If they like boating and if it is politically sound. But, if that is not true, the docks just don't happen. The waterfront then becomes a swimming beach or something like that. There will be no access, or there will be one ramp instead of four.

We see this all the time. We see projects, one after another come forth, because, after all, that is where I make my living, building these facilities. I watch this.

So, the political climate and the likes and dislikes of the planners at the State level have a great to do with the number and size and quality of the facilities that get built on the State level.

To go back to something that Ron said, we are familiar with the Chicago and Milwaukee area. That is unbelievable the number of boats that have absolutely nowhere to go. There they are, they own a boat and the number of potential boat owners is staggering because they won't buy a boat because they don't even have a garage to put it in. There is nowhere to go with it.

Those are the problems that I see as being foremost in the matter.

Mr. BIAGGI. You've introduced a new element that is critical in this hearing. That is, to bring boating into the urban areas where the people are. You do have much waterfront that isn't really acceptable for residential living. That could be transformed into very beautiful marinas.

I think that that is important, and you probably feel as I feel, that if you're going to do something along the waterfront, it should be the ultimate in esthetics. The traditional waterfronts that we are familiar with have been cesspools in fact and in appearance. Happily, most of them are on their way out. If we are going to rebuild, it should be something that is attractive, something visually delightful.

We have, in New York City—in your travels you may be familiar with the River Cafe. Are you familiar with the River Cafe?

Mr. KOELBEL. No.

Mr. BIAGGI. It is on the Brooklyn side of the East River. It is an old barge and it is tied up to the shore. It has developed into one of the finest, most attractive restaurants not only in the city, but in the country. I'm told it is one of the 10 busiest restaurants in American Express, so that really tells the story.

This isn't a commercial for it, but it is a perfect example of what can be done. The whole approach to the restaurant is very attractive. It is pleasant and just beautifully done.

They are planning to do it again on the East Side, the same fellow. This fellow had a dream. This fellow, Buzz O'Keefe. He came from very poor people, from Silver Beach in the Bronx, which

is a desolate part of my district incidently. He always had the dream, and it took him 10 years to get it going.

Now, the city is asking him to put one on the Manhattan side of the East River, with marinas and the like. It is a step in the right direction.

Mr. KOELBEL. In these urban developments, if they are properly done, you can successfully tie together not only the needs of the boatman and the boating population, but the needs of the population that lives there by giving them a place for recreation. They can come to restaurants, to walks along the water, to park areas intermingled in the boating facilities.

So, you can take care of two sides of the population. You can do a tremendous job in service to the people.

They have a waterside housing development—expensive—right on the East River. It is just beautiful. It has the garage down on one level and you have the marina right under it. So, if you are inclined, you can get the best of all worlds.

Again, there is attention being given to those needs. That's what we want.

Mr. KOELBEL. Conversely, in Fort Lauderdale, they just closed a marina that is badly needed. As you probably know, that area has the same problem that everywhere else has; hundreds, and hundreds, and hundreds of boats with no place to go.

A condominium project came in, bought the marina for its waterfront land and for its beautiful area, threw everybody out of the marina, closed it up, bulkheaded it across, filled it in and built a condo on it. That's a crime.

Mr. BIAGGI. On the canal or the ocean?

Mr. KOELBEL. On the canal. But this is a crime, to allow that to happen. Certainly, they could come in, but with some foresight and some planning they could have maintained the marine facility.

Mr. BIAGGI. It is becoming critical, from your perspective.

Mr. KOELBEL. Yes, it is.

Mr. BIAGGI. The boatmen, somehow, will find a place to use, I'm sure of that. But why should he have to—

Mr. KOELBEL. He is not at the moment. He really isn't. They are not finding a place.

Mr. BIAGGI. I think it should be dealt with in the proper fashion. I don't think they should be made to scrounge up a place to put their boats in the water, especially when they are paying for it. That's the big problem.

Mr. KOELBEL. Right.

Mr. BIAGGI. Mr. Griesing?

STATEMENT OF DENNIS GRIESING, GOVERNMENT AFFAIRS MANAGER, NATIONAL ASSOCIATION OF ENGINE & BOAT MANUFACTURERS

Mr. GRIESING. Thank you. Mr. Chairman, I'm the government affairs manager of the National Association of Engine & Boat Manufacturers. I'm here today at the request of Mr. Ray Collier, president of Penn Yann Boats, who at the last moment found himself unable to be here because of health reasons. I would like, at this time, to read his statement into the record.

Mr. Chairman and members of the subcommittee, I am Ray Collier, president of the Penn Yann Boat Co., located in Penn Yann, N.Y., close by Seneca Lake, one of the famous Finger Lakes which provide western New York with the opportunity for abundant boating recreation. I am appearing here today to speak in favor of H.R. 4310, the Recreational Boating Safety and Facilities Improvement Act of 1979.

The Penn Yann Boat Co. has been in the business of building recreational boats for 58 years. The company was founded in 1921 and our present product line includes powerboats ranging in size from 20 to 30 feet in length.

As a company, then, Penn Yann is one of the elder statesmen of the boating industry. In that role we have been witness to the evolution of not only the industry itself, but of the relationship between Government and industry. Federal interest in the concerns and needs of the recreational boating community dates from the Motorboat Act of 1940, which included efforts to improve boating safety through the promulgation of safety equipment standards.

The Federal/State partnership in boating safety goes back 21 years to the Federal Boating Act of 1958. The concerns of this act were focused on the vessel, operator. Meanwhile, boating grew and prospered; the American public began taking to the water in ever growing numbers.

In response to the spread and growth of recreational boating, the Congress passed, 8 years ago, the Federal Boat Safety Act of 1971. This legislation embodied objectives, among them being:

The reduction of boating accidents and fatalities; the establishment, for the first time, of manufacturer's requirements relating to the construction of certain types of vessels; and the fostering of the greater use and enjoyment of the Nation's waters.

To accomplish these objectives, the Federal Boat Safety Act of 1971 called for an expansion of U.S. Coast Guard authority to promulgate construction and performance standards for boats and the establishment of a system of grants-in-aid to the various States to encourage the States to assume greater responsibility for boating safety programs. These State programs were to include both education and enforcement programs.

Manufacturers have long been doing their part to increase the safety factor of their equipment, and through the cooperative efforts of the industry and the U.S. Coast Guard, the safety of the recreational boat has increased significantly. The fact that the industry has done its job well is evidenced by the miniscule number of boating accidents attributable to fault of hull or machinery; only 2.3 percent.

This leaves almost 98 percent of the boating fatalities attributable to some operator controllable factor. Such figures are cause for concern to all sectors of the boating community, manufacturers included. I daresay that almost all boatbuilders are avid boatmen as well. Therefore, we feel a genuine concern that boating be made as safe a vocation as possible for the American public.

Manufacturers, however, are limited in what they can do to promote boating safety through their products alone. No matter how we strive to improve our products, ultimately the safe operation of any vessels, of whatever size or type, rests with the opera-

tor. The operator in turn depends upon a combination of experience and education in boathandling and other skills to increase his capabilities as a responsible skipper.

Now I warm to my subject, boating safety education. Education is an essential cornerstone to any boating safety program. I am here today speaking in support of H.R. 4310 because of its promise to provide continued assistance to State boating safety efforts in both education and enforcement.

These programs currently funded by grants from general funds of the U.S. Treasury, have had an astoundingly beneficial effect upon boating safety. For example, in 1971, there was a fatality rate of 20.2 per 100,000 boats in the United States, but according to 1978 Coast Guard statistics, the rate has been more than halved to the level of 9.4 per 100,000 boats. I believe the statistics indisputably establish the effectiveness of the federally supported boating safety programs.

Precisely because of their success, the news that the Federal Government for budget considerations was intending to terminate the State grant program after fiscal year 1980 was very disturbing. Here is a program of documented success whose continued existence is severely threatened.

H.R. 4310 addresses itself directly to this threat and provides a very effective solution to the problem of continued funding by amending the Federal Boat Safety Act of 1971 to include a fund to be called the National Recreational Boating Safety and Facilities Improvement Fund. This fund would receive tax moneys paid by boaters on their marine fuel and return it to the boating community in the form of matching grants to the States to be used for the continuance of safety programs and the improvement of recreational boating facilities.

Such a mechanism should satisfy the objections of the Government budget watchers because it would relieve the general funds of the U.S. Treasury of responsibility for the State grant programs. Furthermore, it should satisfy the inflation watchers because it would call for the institution of no new taxes to accomplish its purpose since the taxes are currently collected for deposit with the Land and Water Conservation Fund. And, finally, the Land and Water Conservation Fund should hold little objection because the \$30 million with which H.R. 4310 is concerned is a mere pittance compared with their overall income which includes funds derived from the Government sale of offshore oil and gas leases.

Moreover, there exists a very strong precedent for the establishment of such a dedicated fund. Under provisions of the Highway Revenue Act of 1965, which was intended to provide a user-pay fund paid for by motorists for the construction of highways, the moneys collected on special fuels for nonhighway use, such as boating and aviation, were given special treatment.

Until last year, a rebate of one-half of the tax paid at a rate of 4 percent per gallon was available to boaters on their income tax forms. This option was subsequently eliminated by the energy tax bill of 1978 as a fuel conservation measure. The boat fuel tax is now wholly distributed to the Land and Water Conservation Fund of the Department of the Interior.

General aviation, on the other hand, which also received special consideration as a nonhighway user, had the taxes paid on its fuel converted into an Airways Trust Fund. This fund was established precisely in order to return to the taxed the benefits of their taxes.

In view of the fact, then, that there is no objection in principle to the covering of the Federal fuel tax into a dedicated fund, as evidenced by the existence of the Airways Trust Fund, I would suggest to the members of this committee, and through them to their colleagues in the full House, that the establishment of the National Recreational Boating Safety and Facilities Improvement Fund, to be funded by boatmen for the benefit of the boating public, is not only equitable in its own right, but stands on substantial precedent.

On a larger scale, I believe that passage of H.R. 4310, which provides for a user-pay funding mechanism, and the assumption of increased responsibilities on the part of the States in the enforcement of boating law and the provision of services such as water patrol and search and rescue, thereby relieving, in part, the Coast Guard of these duties. It is an important step in the continuing evolution of the cooperative programs between the private and public sectors providing for the safety of the over 56,000,000 citizens who enjoy recreational boating each year.

While I have focussed my remarks on the safety aspects of the bill, this is not to ignore the important considerations provided the development and improvement of boat access facilities. As a boat manufacturer, the availability of adequate and safe launching and mooring facilities is an important consideration of the continued viability of my business.

Recent studies have shown that by 1985 on Lake Ontario alone 32 additional access facilities will be required in Niagara, Orleans, Monroe, and Wayne Counties. Failure to meet those needs, thereby subjecting the public to overcrowding and unsafe facilities, will certainly prevent the boating industry and those ancillary industries which accompany it, including various tourist facilities, from attaining the growth potential and making the economic contributions of which it is capable to the economy of western New York State.

This finishes Mr. Collier's statement. Thank you.

Mr. BIAGGI. Thank you, sir.

I appreciate the comparison to the Airport and Airways Trust Fund. That makes a significant point.

Mr. Scudder?

STATEMENT OF SCOTT M. SCUDDER, PRESIDENT, GENESEE MARINE TRADES ASSOCIATION

Mr. SCUDDER. Thank you very much Mr. Chairman.

Mr. Chairman and members of the subcommittee, I am Scott Scudder, president of the Genesee Region Marine Trades Association. I appear before you today to speak in favor of H.R. 4310.

Mr. Collier has addressed himself to the issue of boating safety and its importance to both the public and the industry. I can add only my own emphasis to his statements. Boating safety is of paramount importance to all of us in the industry because in-

creased safety on the water will continue to make boating an enjoyable family recreational activity.

In my comments before you here today, I wish to address, in part, the other side of the boating safety question to which H.R. 4310 directs itself, the adequacy of boating facilities. This is an important and largely overlooked aspect of the boating safety problem, and I commend the authors and sponsors of the bill for addressing the issue forthrightly.

Gentlemen, New York is a boating State. In 1978, 4.2 percent of the total registered boats in the United States were registered in our State. Long Island Sound, Lake Champlain, the Hudson River, the Finger Lakes, Lake Ontario, and Lake Erie provide this State with some of the finest recreational water resources to be found in this country. Because of these fine resources, the recreational boating industry in New York is of significant size.

In this State there are over 327,750 registered boats. Coast Guard figures list 108 boat builders. Some 285 firms are engaged in the manufacturing of recreational boating accessories, motors, and trailers. In addition, the public is served by 1,043 marine dealers. In total, there are 1,436 marine businesses in the State of New York located in 154 different communities. By and large, these businesses are small businesses by anyone's yardstick and are in many cases family owned and run.

These businesses serve a large and active boating population in the State. According to estimates found in New York's own "Comprehensive Recreation Program Five Year Review," on any summer weekend 400,000 people participate in recreational boating in New York State. The same study also projects an increase of 27 percent in boating activity by 1990.

I think that it is important to note here that the average income of the New York boater is estimated to be \$18,000. I cite this figure to help dispel the legend that boating is a rich man's sport. To the contrary, recreational boating is a widely enjoyed middle American pastime.

Nor is the average boat some enormous pleasure palace. National statistics compiled by the trade associations of the industry indicate that the average size boat is 15.1 feet in length and is powered by a modest 45 horsepower outboard engine.

On a national scope as well, recreational boating enjoys enormous popularity. Studies by the Heritage Conservation and Recreation Service indicate, for example, that water based recreational activities are among the most popular in the coastal zone States. Moreover, 85 percent of Americans prefer to enjoy outdoor activity on, in, or near water. Between 1960 and 1975, pleasure boating participation increased 47 percent. By 1980, the industry estimates that 93 million people will boat, and by 2000 A.D. that number will reach 153 million.

What I hope to have accomplished by this point in my remarks is to have accurately sketched out the portrait of an industry whose products are much in demand by the public and which provides healthful, enjoyable recreation to the public while at the same time generating jobs and revenues in the private sector.

Why, then, are we before you today speaking in support of a bill which would provide \$20 million from special tax funds to renovate and develop boating facilities?

The answer that question, we must look closely at developments along the waterfront over the last decade. Waterfront property has become very highly valued as it has become less and less available. So-called water intensive users, such as marinas, find themselves in competition with domestic and industrial developers whose clients in turn find the esthetics or economics of shoreside locations very attractive. As a result of the ensuring competition, the price of available waterfront property is generally prohibitive to the small marine businessman. Has capacity to expand to meet the public demand for his services has been severely limited.

Add to the financial burden of acquiring land and capital for expansion the legal and administrative burden that generally accompanies and development along the shoreline because of environmental considerations and the situation becomes even more difficult. As a result of all of this competition, the demand for existing facilities has intensified and, in turn, forced the prices of slips, moorings, and launching facilities higher.

The consequences of this cost spiral are unfortunately coming to bear directly on the shoulders of Mr. Average Boater. His \$18,000 annual income is being stretched hither, thither, and yon by the general effects of inflation and rising costs of basics. He is finding it increasingly difficult to compete for the available facilities. In many cases, he is required to travel longer distances in order to be able to launch his boat or he must settle for facilities which are less adequately maintained. In the first case, he is being forced to use more energy than he otherwise might, and in the second case, his personal safety and that of his family is being compromised. Neither alternative is attractive.

Studies have shown that the majority of boaters, like the majority of the Nation's population, live in or around urban areas. The boating industry has long espoused the development of boating facilities in these centers. This would accomplish two major objectives of the industry which at the same time speak to national goals: energy conservation and urban renewal.

Many, if not most, of this Nation's urban centers are in some way connected with the water. Rivers and lakes were the first highways of this country and first settlements were made along their shores. As a result of this, there are existing waterfront facilities which are currently under-used commercially because of the advent of the Nation's Interstate Highway System. These facilities could be easily converted for recreational boating purposes which would be an environmental upgrading in most cases. And, by putting facilities where the boating population lives, fuel would be saved by eliminating the need to transport the vessel out of town to a less convenient launching site.

A recent study by the New York Sea Grant Institute studying projected needs for boat launching needs on Lake Ontario in Niagara, Orleans, Monroe, and Wayne Counties estimates conservatively that 32 new facilities will be needed for boat launching in 1985. This study addresses itself only to anticipated needs of recreational fishermen and makes no account of recreational boating needs

generally. I present this information to the subcommittee as an indication of boating needs here in western New York alone. While I can make no judgment as to the overall needs for 1985, I believe that using our own local projections, the figure would be substantial.

With this background, let me now attempt to answer the question I posed earlier regarding why we are here today speaking in favor of H.R. 4310. We are here because our customers and friends are finding it increasingly difficult to enjoy their time on the water, not because there isn't enough water to go around, but because getting the last 30 feet from the road to the water is becoming more difficult every year.

For a whole complex of reasons, there exists today a facilities crisis for the boating community. Currently, only 4 percent of the Nation's coastline is publicly owned. Second, the resulting crowding of existing facilities stands to compromise the advances which have been made in the area of boating safety over the last 40 years.

We are here today to support a bill which would provide funds for the renovation and construction of facilities where they are needed and allow the users of those facilities to pay for them through a special fund which is supported by taxes they have paid on their sport.

Such finding is seen as an appropriate evolution in the Federal involvement in the realm of boating safety, with substantial precedent in principle. The boating community at large is quite willing to assume its responsibilities for funding programs which benefit it.

I thank the subcommittee for the opportunity to appear here today and would be pleased to answer any questions you may have.

Mr. BIAGGI. Thank you very much, Mr. Scudder.

Mr. Stone, do you have a statement to make?

Mr. STONE. I did not come prepared to make a statement today, but I can respond to some of the remarks that were made here earlier.

Commodore Woodams from the Rochester Yacht Club wondered if the situation in New York State was unique. That is, not enough facilities are being funded by the Land and Water Conservation Fund.

By no means is it unique. I have a list of Land and Water Conservation Fund assisted project for fiscal 1979 for the State of Arizona. There is not a single boating project on that list.

The Department of the Interior released a press release crowing about the Land and Water Conservation Fund assistance for the State of Wisconsin. That is our fifth most populous boating State today, and there is not a single boating project there either.

What we like about H.R. 4310 is the equity of it returning boatmen's tax funds to boating projects. It is giving us something for our money. We feel that we have been grievously shortchanged under the Land and Water Conservation Fund.

Our problem there—we had tried to make ourselves known to the people that count in the administration of this fund. We have always received a very cool reception. The buck has been passed; we've been told we have to do a better job of selling boating to the State liaison officers if we want any boating projects.

The difficulty in that, by and large, is that most of your State liaison officers are connected to agencies that are not primarily oriented to boating, or water based recreation. We suffer as a consequence.

Another good aspect, I think, of H.R. 4310 is that it continues the vital boating safety education and law enforcement programs. We are facing termination of Federal financial assistance under the Federal Boat Safety Act of 1971. We have seen—and it is documented in Coast Guard accident statistics—that this has been a remarkably effective use of Federal financial assistance. With the State boating safety programs, we have more than cut in half the number of serious boating accidents in this country today. You can't put a dollar value on human lives saved; it is of unestimatable value.

That is why we support H.R. 4310, because we want to continue these very worthwhile programs with Federal financial assistance for boating safety.

Mr. BIAGGI. Thank you.

It seems to be developing here—and I just directed staff to do a full study of Land and Water Conservation Fund uses. It seems to be a development that they are just ignoring their responsibility.

That brings us back to—I don't know who said it, but somebody said we need somebody who is friendly to boating. I think that is critical.

I understand people's loves and preferences. It is normal, but we can't permit them to manifest it with abandon when they are charged with official responsibilities, as in this case.

I'm willing to wager that Parkland acquisition has been the prime beneficiary, without looking through the record. Not that that shouldn't get moneys, but it shouldn't be to the exclusion of boating.

There is one more speaker to be heard from your group. Mr. Seager?

STATEMENT OF MARSHALL SEAGER, PRESIDENT, SEAGER MARINE CORP.

Mr. SEAGER. Thank you Mr. Chairman.

Mr. Chairman and members of the subcommittee, my name is Marshall Seager. I'm president of Seager Marine, Canandaigua, N.Y. In addition to running my own recreational boating business, I serve as president of the Finger Lakes Marine Trades Association and as a director of the Marine Retailers Association of America, a national association based in Houston, Tex. which represents marine retailers from all over the country.

I am here today to join my colleagues in support of H.R. 4310. The two previous speakers have covered rather thoroughly the two most salient aspects of the bill, the provision for continuation of grants for boating safety programs and the improvement of the boat access facilities situation. I concur fully with what they have said, and therefore would like to address my remarks initially to the more general considerations of why it is important that the Government even remain involved in recreational boating—or better, in recreation generally.

Gentlemen, there may have been a time when recreation was considered frivolous and wasteful. Thankfully, however, this attitude has changed and recreation is now seen as a necessary part of modern life from which participants reap significant benefits which, in turn, provide social benefits for our society.

Americans have always been an industrious people and because of that, our country has flourished more than all others. The general benefits which have accrued to the American public have been higher than average incomes, paid vacations, good health resulting in longer retirement years and health benefits.

As a consequence of these advances, a recreational industry estimated to be over \$100 million annually—or about 10 percent of the value of all personal consumption—has grown up to meet the demands of the American people. The benefits from this recreation are emotional, intellectual and social. In fact, a noted psychiatrist, William Menninger has stated:

Mentally healthy people participate in some form of volitional activity to supplement their required daily work. Their satisfaction from these activities meets deep-seated psychological demands.

Government at all levels has recognized the popular need for recreation and has taken numerous opportunities to guarantee the availability of recreation to all its citizens. By law, every 5 years the Department of the Interior must develop a National Outdoor Recreation Plan. The first plan was prefaced by the following statement:

America is undergoing change that affects the way we relate to our work, our institutions, our families and ourselves. In the world's most technically advanced society, a person must find the time and opportunity to acquire the personal enrichment that can come from outdoor recreation.

I present these quotes for the subcommittee's consideration so that they will keep in mind that the benefits of H.R. 4310 go beyond enforcement of boat safety law or the provisions of well-maintained facilities for launching boats. The benefits are an essential extension of a national policy embodied in law in this country that recreational opportunities shall be made available to the public.

I would like, in that regard, reiterate Mr. Scudder's remark that in the case of water oriented recreation, the most difficult part of the trip is becoming the 30 feet between the road and the water, as far as boats are concerned. The availability of access is critical; one consequence of the shortage could well be the restriction of access to those who can pay the most. This would be an unfortunate turn of events for boating, which has been everyman's sport for the last 75 years.

As a marine businessman, I must also express concern over the future of my business if access to recreational water resources is severely restricted. It is difficult, of course, to estimate the business that has already or will be lost, but it is equally obvious that if people cannot get to the water, they will give up any thoughts of boating.

The boating industry last year employed over 550,000 people. It is a distinctly labor intensive industry. Estimates of the amount of money spent at retail for boating products and services run to over \$6 billion.

As I hope you can see, gentlemen, the question of access is not only of concern to the scuba divers, fishermen and waterskiers, but also to manufacturers, retailers and other industry employers.

Another reason I come before you in support of H.R. 4310 is because of its proposal to use the funds collected on the gasoline tax paid to the Federal Government by all boaters for the benefit of boating generally. As I'm sure the subcommittee is aware, a bill, S. 1631, sponsored by the Chairman of the Senate Committee on Environment and Public Works has been introduced. It is supported by a confederation of recreational fishing groups and State fish and wildlife management interests. This group proposes to extend the manufacturer's excise tax currently collected on fishing gear to almost all types of such gear and to create a new 3 percent manufacturer's excise tax to be applied to boats 25 feet and under in length, excluding kayacs, sailboats and hydroplanes, outboard motors, trailers and various pieces of associated equipment. They predict that approximately \$100 million could be raised under this scheme for the benefit of fisheries projects.

Attempts are being made to sell the Senate bill on the grounds that it would provide boating facilities. However, it is my understanding that the funds from the Dingell-Johnson Fund are restricted as to how they can be applied.

For example, no Dingell-Johnson funds can be used for law enforcement, thereby eliminating any opportunity for continued funding of the boating safety programs at the State level with Federal assistance. Furthermore, it is my understanding that no funds can be allocated under the Dingell-Johnson Act unless the primary focus of the project is fishing. In short, it seems that the fishing interests are trying to tax recreational boating in general for their own benefit.

The boating industry associations and various individuals from the industry have spoken with the fishing groups and they are well aware of our opposition to such a move. Not only would the new tax be inflationary to the tune of \$100 million plus, but it would increase the cost of products at retail by almost 4.1 percent.

Given the fact that discretionary income is becoming an endangered species under present conditions, imposing a new tax is tantamount to tying an anchor around its neck before asking it to jump into water over its head.

Meanwhile, as Mr. Collier's statement indicated, H.R. 4310 would impose no new tax and provide benefits to all boaters, including fishermen, while causing no undue hardship for the boating industry.

For this reason and all the others you have heard expressed by my colleagues here today, I wish to commend again the authors and sponsors of H.R. 4310 for their excellent work.

I thank the committee for the opportunity to appear here today and I would be pleased to answer any questions you might have.

Mr. BIAGGI. Thank you, Mr. Seager.

Mr. Scudder, how many people do you estimate are employed by the boating industry in New York State?

Mr. SCUDDER. I would have to respond to that in writing, but if there are 1,043 marine businesses, which are the statistics I have, it would—it would be very hard to say. A lot of them are small

businesses made up of family members, families, teenagers and people from schools. On the other hand, there are boat building firms, there are trailer manufacturers—I could not give you an accurate figure right now.

Mr. BIAGGI. How many do you have at Penn Yann?

Mr. GRIESING. I would have to consult Mr. Collier on that.

Mr. SEAGER. I think I can answer that. I think they employ about 75 people.

Mr. BIAGGI. Mr. Koelbel? I'm just trying to get something in my head.

Mr. KOELBEL. How many do we employ?

Mr. BIAGGI. Yes.

Mr. KOELBEL. We employ 25 or 30 people.

Mr. BIAGGI. Is Penn Yann the largest boat manufacturer?

Mr. SEAGER. In this end of New York, I believe so.

Mr. BIAGGI. Mr. Koelbel, in the typical construction, what would be the cost of a launching ramp, marina and dry stack storage?

Mr. KOELBEL. Many of the launching ramps that are put in today are prefabricated concrete slabs that are dropped on a crushed stone base. Then they use either a floating or a skid dock along side. These ramps are generally constructed by Parks and Recreation and are a municipal facility. They will run from \$15,000 to \$20,000 a ramp.

Now, you have to talk about how many parking spaces they put beyond that, and so on, as to the size of the project. These projects normally will run between \$75,000 and \$100,000 including the parking fields and access roads and things like this.

Mr. BIAGGI. Dry stack storage?

Mr. KOELBEL. Dry stack storage, depending on whether it is housed or not—in New York State most of it is housed—a normal cost, again, about a \$1,000 a boat, and that includes that stacking and it includes the building above it. But it would not include parking areas, which normally would be supplied in the marina anyway.

Mr. BIAGGI. It is tough on you to ask you to estimate the cost of a marina, isn't it?

Mr. KOELBEL. No, it is not. Actually, we have some figures on that.

A small boat marina that supplies a few facilities, such as not much electric, marginal water supply, and so on, they will figure somewhere between \$1,200 and \$1,500 a boat. The bigger marinas now that are supplying 220 volt current and this kind of thing, telephone services, good lighting and access, they will talk anywhere from \$2,500 to \$3,500 a boat.

Again, with all of these numbers we have to be careful that you know just what you are including. If you start including a lot of upland facilities, then they are not good numbers. We are talking basically about the marina itself and the dock facility in that area.

Mr. BIAGGI. That is only the basics?

Mr. KOELBEL. Yes, right. Many marinas will add to that storage sheds and workshops and restaurants and things like this which aren't included in those figures.

Mr. BIAGGI. Thank you gentlemen, for your presentation. Your comments were very supportive as well as very educational for us.

Mr. Seager, do you have any thing else you wanted to say?

Mr. SEAGER. Yes. You made the comment earlier, I believe too Ms. Fishman, that boaters were orphans. I would just like to say that I feel boaters are more like infant children with very neglectful parents, their father being the Federal Government and possibly the mother being New York State.

Mr. BIAGGI. No matter how you characterize it, the boater is getting the shaft.

Mr. SEAGER. That's right.

Mr. BIAGGI. Thank you very much.

We have two other speakers of whom one is not listed I'm told that the next speaker is listed, and he is Mr. Michael P. Voiland, extension specialist in recreational development, New York State sea grant extension program. He was listed.

The other speaker is Walter Decker the La Salle Committee, a citizen group dedicated to the presentation and improvement of recreational boating and navigable waterways.

Mr. Decker?

Mr. ISAAC. Mr. Chairman, I'm a substitute for Mr. Decker. My name is Robert Isaac, and I am with the La Salle Committee.

Mr. BIAGGI. Fine. Thank you for clarifying just who was going to speak for your organization.

Mr. Voiland?

STATEMENT OF MICHAEL P. VOILAND, JR., EXTENSION SPECIALIST IN RECREATIONAL DEVELOPMENT, NEW YORK STATE SEA GRANT EXTENSION PROGRAM

Mr. VOILAND. Thank you, Mr. Chairman.

My name is Michael Voiland, and I am an extension specialist in recreational development with the New York Sea Grant Extension Program. Sea grant is a cooperative research and educational program in coastal resource use, development and conservation. It is carried out in New York by the State University of New York and Cornell University through a grant from the National Oceanic and Atmospheric Administration. My office is located on the campus of the State University College at Brockport.

I come before this field hearing on House of Representatives bill 4310 because it is the nature of my educational program to help Lake Ontario coastal communities cope with their resource use and development problems.

Public access to the lakeshore is one of the problem areas, inasmuch as 90 percent of the shoreline is in private ownership. Perhaps the most evident obstacle in the way of greater access to lake waters is the crippling shortage of safe and adequate pleasure boating facilities, primarily boat launching areas along the 300 mile New York lake shore. At present, there exists only one State launch facility between the Niagara River and Fairhaven, a stretch of about 115 miles. This single site opened for public use just 6 weeks ago.

No other activity highlights the growing need for basic boat launching better than sportfishing. The State of New York is rapidly developing an outstanding trout and salmon fishery in Lake Ontario. Although this program is but just getting off the ground, some serious access related problems have already occurred.

For example, the 1978 spring fishing derby saw an estimated 2,100 boats utilizing the waters off of Orleans, Monroe, and Wayne Counties. Because of the limited number of launching areas, there were waiting lines at many of the few existing facilities.

Moreover, communities desiring to take advantage of some of the economic benefits that flow from angler visits but not having boat launching sites, lost out on valuable revenues.

In 1979, the number of boats involved in the derby increased to approximately 3,000. By 1985, when the sportfishery is expected to reach maturity, there could be as many as 59,000 fishermen visiting the lakeshore about six times a year. From 75 to 85 percent of these anglers will use boats to fish.

This sportfishing attraction could mean that there will be a need to accommodate 1,280 more launchings daily than can presently be handled. A sea grant study indicated that a capability of at least 32 additional simultaneous launching may be necessary along the shore of Wayne, Monroe, Orleans, and Niagara Counties by that year.

I present this information to illustrate the magnitude of the public boating access problem on Lake Ontario. Communities that I have assisted, such as Sodus Point, Point Breeze, Monroe County, Olcott and Wilson all face a major obstacle; that is, finding major sums of money to finance additional launch ramp development or harbor improvements, particularly where the need is not being met by private enterprise. In many communities, the costs of land acquisition and construction come as a shock when first discovered. Thus, many have looked toward the State as the only entity capable of providing these facilities.

Outside sources of funding available to communities and the State, such as the Land and Water Conservation Fund, are limited in number and highly competitive. Moreover, boating facilities are not specifically given any lump sum or are not, as a rule, given any greater priority than inland park development applications.

It would appear that other possible sources of funding that New York could tap and use to meet growing boating demands could only help the situation.

I have no long laundry list of specific comments related to the merits or shortcomings of the boating bill. I do, however, have some questions that I would like to pose as the notion of recreational boating facilities improvement is examined by Congress.

To begin, how would a bill such as H.R. 4310 differ from the Lawcon Act in applicability? Will Federal moneys be available to local communities, either directly or through the State, or will the act require use in only State-built and State-operated developments? Could there be advantages in alternatively restructuring Lawcon formulas and amending legislation so that boat facility development is allocated an ear-marked proportion of each State's Lawcon Fund? Admittedly, this approach would not relate to safety education programs, but it may be worthy of thought.

Second, are the funding levels suggested—that is, \$30 million annually—adequate for a national program? With two-thirds of the dollars designated toward facilities improvement, it means that only \$20 million will be available to all 50 States each year.

In New York's case, given its large population, let's assume that it would receive \$1 million annually. Only two-thirds, or \$667,000, would go for facility improvement. Ironically, this figure approximates the total cost for one recently completed boat launching area in the town of Newfane in Niagara County. Thus, the question, might it be worthwhile to consider ways to enhance the Federal share in the future, or to have the Federal share reflect a measure of increasing boating use or boating demand?

In conclusion, as a professional educator dealing with coastal resource development, I have attempted to relate the simple fact that there is an evident need, at least along the Lake Ontario shoreline, for public boating access. This need appears to be growing, and some assistance to help cover costs in meeting this need may be warranted.

That is my formal statement. Congressman, I can relate to some of the questions that you posed earlier to other individual speakers.

One was you wanted some idea of how Land and Water Conservation Funds have been utilized. Speaking from the Lake Ontario shoreline perspective, and the four counties from Niagara to Wayne, I know of only one instance, and that is the launch ramp I cited in the town of Newfane, which got moneys to finance that site. That is the only instance I know of.

Mr. BIAGGI. When was that?

Mr. VOILAND. That was 1975 or 1976.

Mr. BIAGGI. Nothing in 1978?

Mr. VOILAND. No.

Mr. BIAGGI. OK. That is the only one?

Mr. VOILAND. That is the only one that I am aware of.

Mr. BIAGGI. I think that makes the point more graphically.

Mr. VOILAND. Yes, it does.

In regard to the New York State Outdoor Recreational Development Fund that you made an inquiry about, Tommy Brown at Cornell University is under a research grant to do research where these State boater's fuel tax dollars are going. It is not the study in front of you, but another one.

A preliminary report from Mr. Brown indicated that in 1974 the State's Outdoor Recreational Development Fund disappeared, or was abolished.

Mr. BIAGGI. Is that the mysterious fund that Ms. Fishman referred to?

Mr. VOILAND. That is the mysterious fund, yes. As an official fiscal fund, it has just disappeared. I have no other explanation for it.

Mr. BIAGGI. No one has really found it?

Mr. VOILAND. No.

In regard to, is New York any different from other States, as Mr. Stone reported, no, it probably isn't. But the one thing that makes New York State different is that it does not have a boating fund, it does not have a Waterways Commission like Michigan does.

Therefore, it does not have moneys, or enough moneys, to do its own boating facilities improvements. Moreover, it has less money to match Federal Lawcon dollars with. So, New York, in a way, is unique. It is not one of those 33 States you mentioned that have a program.

Mr. BIAGGI. It is not happily unique, though.

Mr. VOILAND. No, it is not.

Finally, the boat launching situation in the county we are in today, Monroe County, is so bad that there is not one public launching site in Monroe County today.

The county hopes to rectify that a bit by building a public launch facility in Rochester Harbor, hopefully by spring. But beyond that, they hope to build another one along the shoreline in the town of Webster within the next year or two. They will have to depend on a very, very sizable Land and Water Conservation Fund grant if they ever intend to make any progress there.

This is a case where the need is being met almost totally, at the time being, through county money.

Mr. BIAGGI. Do you honestly believe that the Land and Water Fund will alleviate the problem?

Mr. VOILAND. If they apply for a grant at that site and if they are given the grant—in other words, if they beat the competition out for the moneys, they can probably build that facility.

Mr. BIAGGI. The competition being what?

Mr. VOILAND. All of the other applications that it gets each year for its \$28 million Land and Water Conservation Fund.

Mr. BIAGGI. Apparently they are spending the money on other projects other than boating facilities.

Mr. VOILAND. That's correct.

Mr. BIAGGI. Perhaps this hearing will focus more attention on the problem.

Mr. VOILAND. Perhaps it will.

Mr. BIAGGI. And there may be a change in attitude that comes out of this hearing.

Your two references, one the question of whether or not this bill will produce enough money to deal with the national in total, the answer is no. We don't expect that it will. It will be a marked change in direction and policy, and there will be a consistency in funding. People will be able to plan long range, with the certainty that sometime along the line there will be some facility, as contrasted to the present vacuum of facilities.

Two, whether the Lawcon people should administer it. They have already indicated that they don't want any Federal guidelines, which means they want hands off to continue their same policy. That is the very purpose of the bill. It is to make sure that the money is coming to the boating areas.

I would say that had they distributed the moneys so that at least some of that money could come and deal with our mutual concerns, the pressure may not have been as great for this legislation. But whether you are an orphan or a neglected child, the ailment is severe and the remedy must be forthcoming.

Thank you for your testimony.

Mr. Isaac?

STATEMENT OF ROBERT ISAAC, REPRESENTATIVE OF THE LaSALLE COMMITTEE

Mr. ISAAC. Thank you. I have some letters here which I didn't have an opportunity to show you before.

My remarks will be rather brief, but I would like to preface the letter I have with some remarks about the LaSalle Committee.

The LaSalle Committee is relatively new. It is based upon a need for what we believe is an organization that will actively pursue whatever is needed to help in the recreational boating field.

We came into being a few months back—or I should say early spring or late winter. We came together because of the matter of trying to open Irondequoit Bay into Lake Ontario to take advantage of the harboring facilities there. As has been mentioned by all of the speakers here today, there is really an inadequate supply of harboring facilities, boat launching and boat storage facilities in the Rochester area.

As our masthead states on our correspondence, the LaSalle Committee is a citizen group dedicated to the preservation and improvement of recreational boating and navigable waterways. We also put some applications in the back of the room for any of you who might be interested in getting involved with our organization. It is a nonprofit organization, strictly for the purposes I mentioned.

I have a letter here from Mr. Victor Ciaccia, our vice chairman and spokesman for the LaSalle Committee who was unable to be here today.

Mr. BIAGGI. That letter is to Mr. Murphy?

Mr. ISAAC. The letter was addressed to the chairman of the committee, Hon. John M. Murphy, Committee on Merchant Marine and Fisheries, U.S. House of Representatives, et cetera. I will now read the letter:

DEAR CONGRESSMAN MURPHY: The LaSalle Committee is an organization representing recreational boating interests in the Rochester/Monroe County, New York area, a community of approximately 23,000 registered boats. We have reviewed the proposed Boating Safety and Facilities Improvement Act of 1979, H.R. 4310, and strongly endorse the concepts set forth in this bill sponsored by Congressman Mario Biaggi of New York.

This form of legislation is long overdue and should be actively supported by non-boating as well as boating interests, due to the logical source and disposition of funds under this bill. Boating, as a basic heritage of mankind, must not be left to the sporadic applications of governmental support for the many needed navigational safety and facilities improvements.

It is especially noteworthy that the bill is structured to provide a fair and equitable distribution of federally collected fuel tax revenue, matched by State funds from a similar source, administered under a program specifically directed towards recreational boating concerns.

We request your continued support of this bill and we will urge our local congressional representatives to join with you to help insure the passage of H.R. 4310 in the current congressional session.

Yours very truly, the La Salle Committee,

Mr. CIACCIA, *Vice Chairman.*

Mr. BIAGGI. That last paragraph was the most significant. Mr. Murphy, who is the chairman and a cosponsor, and that last paragraph urging your local Congressmen is most significant.

Mr. ISAAC. I have directed copies of this letter to the Honorable Frank Horton, Representative, 34th District, and Barber Conable, Representative, 35th District, who I also understand is the ranking minority member on the Ways and Means Committee. I was advised yesterday that we should put some pressure in that direction as well.

Mr. BIAGGI. If you just talk to Congressman Horton and give him the issue and the arguments for it, I think you will find him

sympathetic. He is a most understanding, most respected Member of the Congress and of our committee.

Mr. ISAAC. An assistant to Congressman Horton told me that he is also working on legislation for 100 percent funding for the navigational project at Irondequoit Bay. So, we expect to be very closely in touch with him at every opportunity. Congressman Conable, I believe, will also be very willing to go along with this.

Mr. BIAGGI. We appreciate your comments and your support.

Mr. ISAAC. I think, Congressman Biaggi, one of things you had said earlier, or someone had commented on, was the fact that there needs to be a little more aggressive attitude, relative to getting things that the recreational boating people need. I think that this is one of the reasons that our LaSalle Committee was formed. We took the name LaSalle because of Robert LaSalle, who was a very aggressive explorer back in the 17th century. He went up and down through these Great Lakes and he made people realize he was there.

Mr. BIAGGI. Well, maybe we will cut a new track in legislation for boaters. On that note I will thank both of you for your contribution to this hearing, and I want to thank all of the witnesses who testified.

I will close with this one comment. This is a relatively small part of the Nation, but I'm sure it reflects the sentiment expressed almost universally today. The important thing is to alert the entire boating industry, all of its components, from the designer right down to the consumer, to the nature of the bill and the need for it.

I will close with almost a repetition of my opening comments, that the boating industry has a potential in its constituency that if aroused and effectively directed, it could bring about enactment of this bill.

We will provide the leadership, but we simply can't do it alone. It is as simple as that. It is a nationwide selling job, as is all other legislation. No matter how worthy the cause, unless you persist with indepth support, you will be confronted with obstacles that will have at least a dilatory effect, if not a permanently inhibiting effect.

We feel strongly about the legislation, as a matter of justice, I guess. We are hopeful that by working together and by having hearings of this nature and alerting the various regions of our country, we can produce a coalescing of interests and an arousing of sentiment.

With that, we thank you once again and adjourn the meeting.
[The following was submitted for the record:]

HOUSE OF REPRESENTATIVES,
COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C., September 4, 1979.

Hon. MARIO BIAGGI,
Chairman, Subcommittee on Coast Guard and Navigation,
House Annex No. 2, Washington, D.C.

DEAR MR. CHAIRMAN: Regarding the hearings on H.R. 4310, the Recreational Boating Safety and Facilities Improvement Act of 1979, please enter the enclosed letters and responses into the record.

You will find enclosed a letter to and response from Mr. Barry Golomb, President, National Boating Federation, and a letter to me from Captain J. M. Fournier, U.S. Coast Guard along with a letter from C. T. Delaporte, Director, Heritage Conserva-

tion and Recreation Service, to Captain E. A. Delaney, U.S. Coast Guard. The latter two letters concern information I requested at the 17 July hearing on H.R. 4310.

With kindest regards,

Sincerely,

THOMAS B. EVANS, Jr.,
Member of Congress.

Enclosures.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 14, 1979.

Mr. BARRY GOLOMB,
President, National Boating Federation,
New York, N.Y.

DEAR MR. GOLOMB: With the press of other legislative matters, I was unable to hear your testimony or ask you questions at the Coast Guard Subcommittee hearing on H.R. 4310. I am a cosponsor of this legislation and strongly support the boating safety aspect of the bill. At present, however, I do have some questions about the facilities construction aspect.

Because of your expertise in this matter, it would be helpful to me to have your thoughts on several questions. Please respond at whatever level of detail you have time for and believe appropriate.

(1) The states essentially determine spending priorities for funds allocated to them from the Land and Water Conservation Fund. By establishing a categorical fund for boating safety and facilities, are we usurping a state function at a time when states' rights are a matter of increasing concern?

(2) Can boating facilities be funded on a state matching fund basis out of the Land and Water Conservation Fund with individual states determining priorities? Can the Land and Water Fund be modified so as to assure more direct benefits for the boating public?

(3) Many people have cited a need for additional boating facilities. Can this need be met by private industry, thus precluding the need for government financing and regulatory control? If not, why not?

(4) In addition to the state boating safety programs, can boating organizations such as the National Boating Federation supplement such efforts and obviate the need for federal assistance? (State expenditure now exceed federal contributions by about six times.)

Thank you for considering these questions. Your thoughtful response will help me better evaluate all aspects of H.R. 4310. By the way, mark-up on this bill is now scheduled for September 18th.

With kindest regards,

Sincerely,

THOMAS B. EVANS, Jr.,
Member of Congress.

NATIONAL BOATING FEDERATION,
August 22, 1979.

Hon. THOMAS B. EVANS, Jr.,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN EVANS: I appreciate your letter of August 14 and hasten to attempt to answer the questions you posed, primarily as to the facilities construction aspect of the bill.

"(1) The states essentially determine spending priorities for funds allocated to them from the Land and Water Conservation Fund. By establishing a categorical fund for boating safety and facilities, are we usurping a state function at a time when states' rights are a matter of increasing concern?"

"(2) Can boating facilities be funded on a state matching fund basis out of the Land and Water Conservation Fund with individual states determining priorities? Can the Land and Water Fund be modified so as to assure more direct benefits for the boating public?"

I served as a member of New York's State Comprehensive Recreation Program (SCRPP) Advisory Committee, providing input to the five-year review mandated by Bureau of Outdoor Recreation (BOR), the agency administering the Land and Water Conservation Fund (LAWCF), now, I believe, renamed the Heritage Fund. I am a member of New York's Boating Advisory Council. These positions provide me with

some little insight into the practical aspect of things at the State level. In addition, NBF has tried to deal with BOR for about 10 years, during almost seven of which I have been a national officer. This provides me with some background as to BOR and LAWCF.

That the states essentially determine spending priorities is affected by at least two considerations: the identity of the "lead" agency acting for the state and of the administrator acting for that agency, and the influence of the views of the BOR people approving programs and dispensing money. Just as an FCC commissioner can influence radio station programming without taking official action and far beyond the scope of his official authority, merely by virtue of his ability to participate in denying renewal of a license for the supposed convenience of the public, so the necessity for BOR approval of plans and programs and the power to allocate funds creates a major tendency for states to follow BOR preferences—and it is a fact that BOR does not consider boatmen among its "constituents"; it is dedicated to other, worthwhile recreational pursuits, such as hiking trails, campsites, tennis courts and parks, among others. This attitude has a major effect upon the states. This is even more so since the state agencies involved must deal with BOR on a continuing basis and are dependent upon it for funding; in effect, the agencies must be acceptable to BOR and cannot truly be very independent of it. When my mother said that my father was the head of the family, he would respond that she was the neck, which turned the head whichever way it wished. Similarly, the states essentially determine spending priorities for funds allocated to them from the LAWCF, so long as they do so in accordance with BOR's unwritten policies.

The classic objection to categorical funds relates to the assumption that they are derived from the general revenue and constitute a burden upon the general taxpayer. Every reference to H.R. 4310 as establishing a categorical fund overlooks the fundamental difference that the source of the funds is a tax paid exclusively by boatmen—a tax originally intended to be imposed solely upon highway users, to pay for highways—a tax which, to the extent paid by other non-highway users such as aviation users, is already long since categorized or dedicated to aviation purposes through a special trust fund, leaving boatmen as the only payers of this tax who receive no commensurate benefit from their own money—and a tax which, until recently, was at least partially recoverable as a credit against income tax, and no longer enjoys that status. H.R. 4310 returns to boating a part of what is taken from boatmen by this tax structure, and this is not a categorical fund in any usual sense.

No state function is usurped. A state not wishing to participate will not provide its matching funds and will have no relationship to the proposed new Fund. A state wishing to expend its money in other directions will have the option of concentrating its efforts on seeking funds for such other purposes from LAWCF. No facet of self-determination is taken from the state. Please note that the funding of LAWCF is not adversely affected by H.R. 4310, either; \$30,000,000 per year of boating fuel tax money is diverted by H.R. 4310, but \$300,000,000 per year of offshore oil drilling lease revenue has replaced it—and is expected to increase to \$900,000,000 over the next few years. LAWCF will have far, far more—not less money to allocate, and will never miss the small amount of boat fuel tax revenue. Thus, neither in analytic theory nor in financial fact is the states' ability to determine their own priorities diminished.

Some 10 years ago, NBF set out to ascertain what LAWCF money actually went to boating projects. Several years of effort brought no information. Finally, a computer print-out was obtained, listing all the supposed uses for boating purposes, by states; unfortunately, insufficient detail was provided to identify the nature of the items, and none would be provided by BOR. Hence, NBF initiated a massive inquiry program among its own members and among state Boating Law Administrators. Several scathing letters from states were received, along with a good deal of information, about at least some of the 1,861 projects BOR claimed were of benefit to boatmen. As I pointed out at the Subcommittee hearing, these projects included the maintenance of the battleship *Alabama* in Mobile Bay, as a kind of public monument, a lagoon in a municipal park in New Orleans, and a tennis court somewhere in Wisconsin—and these were fairly typical; I illustrated dollar distortion with the base of a park containing a single boat launching ramp listed as a boating facility at the full, multi-million dollar cost of the entire park. I estimated the misstatements in the print-out of supposed "boating projects" at 50 percent by projects and 10,000 percent by dollars.

In the middle seventies, NBF tool up with BOR the possibility of rectifying this composite situation by modifying at least the administration and application of LAWCF so as to assure more direct benefits—or at least some benefits—for recreational boating. After a polite and extended runaround, we were told that "the

states essentially determine spending priorities for funds allocated to them from the Land and Water Conservation Fund" and that BOR and Congress both opposed creating categorical funds which, under the circumstances, we translated as meaning that no steps would be taken to see that the taxes paid by recreational boatmen, although the only identifiable group paying anything at all into LAWCF, were applied, even in the smallest part, to boating purposes. Only thereafter did the H.R. 4310 concept emerge as an alternative. We are thoroughly convinced at this point that any attempt to modify LAWCF so as to compel some return to the boating public would be an exercise in futility, testing only administrative ingenuity in methods of resisting and sabotaging any such policy.

"(3) many people have cited a need for additional boating facilities. Can this need be met by private industry, thus precluding the need for government financing and regulatory control? If not, why not?"

I am qualified only to provide a partial answer to this question, and I sincerely hope that it will be posed to State authorities including Boating Administrators, to industry representatives and to others, as well. Initially, it may be said that many factors affect the allocation of capital in a free economy, including the return from each alternative use. The provision of boating facilities has not been traditionally a high return investment. It always has been, however, a highly regulated activity, and this has become even more true since the advent of Coastal Zone Management concepts as applied both broadly and locally. Furthermore, a substantial portion of the otherwise available waterfrontage is owned or controlled by state or municipal governments. Without elaborating on the discouragement of private investment involved in these factors, they do add up to considerable reason why at least the larger, longer term facilities investments are not being made in sufficient amounts by private industry. Some are being made, of course, and the secondary facilities are likely to be provided by private capital to a greater degree than are the major constructions.

At risk of repetition, however, it is not government financing in the usual sense of a burden on the general revenue which is involved; rather, it is a return to boating taxpayers of a portion of their own money, paid under an inappropriate and inapplicable tax which attached to off-highway use only because of the original difficulty of distinguishing highway from non-highway-use sales—an application of funds which equitably ought not to have been taxed away, or which ought to have been returned, and part of which used to be returned, to the taxpayers involved.

Regulatory control is another matter. Unfortunately, no governmental body can supply funds, even as a conduit, without taking some responsibility for those funds—at least to prevent fraud and misuse; hence some control is inevitable. H.R. 4310 minimizes it however. Regulation is taken away from the multipurpose BOR, with its particular brand of bureaucratic outlook, and placed with the United States Coast Guard. In my testimony, I referred to it as an "extraordinary agency"; while by no means exempt from the inherent problems of administrative bureaucracy, the Coast Guard's combination civilian-military-regulator-helper nature tends to render it less arbitrary in the exercise of regulatory control than most agencies.

The undesirable aspects of regulatory control also are minimized, to some extent, by continuing the federal-state partnership both in the provision of funds and in the control of their use. The bill restricts federal control to necessary minimum standards, leaving most judgmental matters to the states.

To the extent feasible, the bill also invokes the proven balance wheel of the National Boating Safety Advisory Committee. BSAC has proven valuable and not a rubber stamp. So long as the formula prevents its being overloaded with government types, it furnishes an additional amelioration of the problems inherent in regulatory control.

"(4) In addition to the state boating safety programs can boating organizations such as the national Boating Federation supplement such efforts and obviate the need for federal assistance? (State expenditure now exceeds federal contributions by about six times.)"

Like many successful American institutions, the composite boating safety program is made up of varying quantities of Coast Guard, other federal, state governmental boating organizations and miscellaneous other elements. Typically, states fund and operate a Young Boatmen's Course, using volunteer instructors, some of whom are state or municipal employees and most of whom are individual recreational boatmen—often informally "supplied" by one of the boating organizations. States, like the Coast Guard, also publish one or another kind of manual or written course of instruction of limited scope and depth, but designed for wide distribution as minimal education for those who cannot be reached in other ways; these may be distributed with boat numbering applications, among other means. State and munic-

ipal personnel, including marine police, contribute immensely to safety and to education by direct involvement, although in relatively small number. I am sure that I need not dwell on the direct activities of the U.S. Coast Guard, with its Office of Boating Safety, Bosdets, etc., to a member of the Committee.

The overwhelming bulk of safety education is and long has been provided by boating organization. The National Safe Boating Council (of which NBF Vice President William H. Gray, Jr., is currently Chairman) conducts National Safe Boating Week, observed each year by Presidential proclamation pursuant to Congressional Joint Resolution, among other public educational activities. Courses available to the general public are taught throughout the United States by volunteer members of recreational boating organizations, notably United States Power Squadrons, American Red Cross and United States Coast Guard Auxiliary; some of these also provide advanced instruction for their own members, in some cases on a par in quality with the instruction in those particular subjects given at the Naval and Coast Guard Academies. Increasing numbers of public and private schools include boating safety courses in their curricula. Organizations such as the Sea Explorers, B.S.A., and innumerable yacht clubs or boat clubs provide safety and other instruction for their own members or, at least, for their junior members. Many of these clubs are, in turn, members of state or regional associations or federations which are constituent members of NBF.

It is probably fair to say that the largest contribution to boating safety education, and probably to other boating safety programs, as well, is made by boating organizations. Much of it is in the form of volunteered time and use of facilities, concealing to some extent the dollar volume equivalent involved. Put a reasonable value on the volunteered hour of time, and the total federal-state expenditure becomes dwarfed by comparison—but not rendered insignificant! State expenditures center around the activities of their personnel, making valuable safety contributions on the water, in planning and coordinating where full time people work out better, and in some of the items mentioned above. While I cannot verify it myself, I would agree on general principles with your statement that state expenditure now exceeds federal by about six times.

The facts are, however, (a) that far more is needed than possibly can be provided from all these sources combined, because human life is one of the elements involved and recreational boating is a fast growing sport, and (b) that the federal-state partnership in both funding and control has worked. As you know, funding under the Safe Boating Act of 1971, now terminated, caused that safety partnership to cut the rate of boating fatalities per 100,000 boatmen by more than half and, despite the dramatic increase in the number of boats and boatmen, more than doubling, to cut the absolute number of boating fatalities, as well. It appears to be a fact, further, (c) that the states cannot continue, on their own, the programs which achieved these results. New York's Deputy Commissioner of Parks and Recreation, John M. Pendergill, testified before the Subcommittee that "Failure to pass this legislation will obviously result in curtailment or discontinuance of many boating programs which have proved to be of great value and have decreased boating accidents and fatalities." Indeed, he suggested making H.R. 4310 effective in fiscal year 1980, to prevent partial destruction of essential state programs.

Congress established a safety policy in 1971, if not before. The joint federal-state effort resulted. Volunteer safety education programs then existing (United States Power Squadrons, a private organization, dates from about 1913) expanded to meet the increased needs of the growing sport. There is a continuing need for each and, in my view, boating organizations can no more displace the federal contribution to the joint effort than the federal government could replace the thousands of volunteers in boating organizations—an obvious impossibility.

If NBF can be of further assistance to you, please do not hesitate to call upon us. In the hope that it may assist others as well, I am supplying a copy of this letter for the Subcommittee record.

Sincerely,

BARRY GOLOMB, *President.*

DEPARTMENT OF TRANSPORTATION,
U.S. COAST GUARD,
Washington, D.C., August 27, 1979.

Hon. THOMAS B. EVANS, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. EVANS: You asked for information concerning the amount of money which comes from the Land and Water Conservation Fund for purpose aiding recreational boaters, during the July 17, 1979, hearings on H.R. 4310. The Heritage Conservation and Recreation Service of the Department of Interior, which administers this fund, was requested to provide the information. Their reply is enclosed for your use, and has been provided for the record.

By direction of the Commandant:

Sincerely,

J. M. FOURNIER,
Captain, U.S. Coast Guard,
Chief, Congressional Affairs Staff.

Enclosure.

U.S. DEPARTMENT OF THE INTERIOR,
HERITAGE CONSERVATION AND RECREATION SERVICE,
Washington, D.C., August 21, 1979.

Capt. E. A. DELANEY,
Acting Chief, Office of Boating Safety, U.S. Coast Guard, Department of Transportation, Washington, D.C.

DEAR CAPTAIN DELANEY: This is in response to your letter of July 26, 1979, to Mr. William Wolph, Chief, Office of Legislation and Congressional Affairs, requesting information on Land and Water Conservation Fund (L&WCF) assistance available for recreational boating.

The Heritage Conservation and Recreation Service administers the L&WCF program which provides matching grants to State and local units of government for the acquisition and development of outdoor recreation areas and facilities. No funds are available for enforcement, operation or maintenance expenses. Boating is an important component of public outdoor recreation and this Service has provided matching assistance for a number of public boating acquisition and development projects since enactment of the L&WCF Act of 1965.

For example, in fiscal year 1978, \$52 million worth of L&WCF assistance was provided for almost 500 projects with recreational boating elements in over 40 states. This assistance was matched by an equal amount of State and local funding, creating a total public investment of about \$104 million. This amount is balance against the \$30.5 million of Federal motorboat fuel tax that accrued to the L&WCF in fiscal year 1978.

The amount of L&WCF assistance requested by States for boating projects varies as State officials attempt to meet the full array of public outdoor recreation needs identified in their Statewide Comprehensive Outdoor Recreation Plans (SCORP). However, where boating facility needs are identified in SCORPs, Fund assistance may be substantial.

For instance, in fiscal year 1978, Michigan received almost \$3 million for sixteen projects that included construction of mooring and launching facilities and marinas. In that same fiscal year, Hawaii received almost \$3 million for five projects including launching facility and harbor improvements and marina construction.

We anticipate continued L&WCF involvement in the acquisition and development of boating areas and facilities. Also, with the implementation of this Service's new Urban Park and Recreation Recovery program designed to rehabilitate recreation facilities, and with the emerging Federal interest in urban waterfront revitalization we believe that this Service will increase its commitment to provide financial and technical assistance for the acquisition, development, and rehabilitation of public water-based outdoor recreation areas and facilities.

I hope this information will be useful to you. Please feel free to contact me or call Mr. William Wolph or Mr. Rowland Bowers, Acting Chief, Division of State Programs if we can be of further assistance.

Sincerely,

CHRIS THERRAL DELAPORTE,
Director.

WESTERN STATES
BOATING ADMINISTRATORS ASSOCIATION,
September 13, 1979.

Hon. PAUL N. McCLOSKEY, Jr.,
*House of Representatives, Committee on Merchant Marine and Fisheries, Longworth
House Office Building, Washington, D.C.*

DEAR CONGRESSMAN McCLOSKEY: Thank you for your letter concerning the Western States Boating Administrators Association resolution urging support of H.R. 4310. We appreciate your effort to research this problem in depth, and I hope that we can provide you with more insight with which to make a decision on this matter.

In answer to your specific questions, the State of California did spend \$2,410,438 in 1977, and \$2,034,617 in 1978 on boating law enforcement and safety and education programs. Approximately 58 percent of the funds come from the State registration fee on vessels which is specifically earmarked for local assistance for safety and enforcement patrols and search and rescue activities.

The approximately \$250,000 received annually by the State of California from the federal grant under the Boat Safety Act of 1971 is used directly to supplement this program, to purchase patrol craft and associated equipment, and for salaries of local patrol officers. As you know, this federal grant will be terminated as of October 1, 1979.

Another point to consider for California's program is, however, the passage of Proposition 13 and how this has severely limited the tax money available to local governments. Under our aid to counties program, funds are provided to the counties on a matching basis, and require local entities to expend the revenues they receive from vessel property taxes on boating law enforcement and safety programs to qualify for assistance. Since boater property taxes available to local entities have been curtailed, we anticipate more counties seeking financial assistance for their rescue programs from the State.

A further point which should be made is that the registration fee in California has not been increased in 10 years and efforts to get legislation introduced have not been successful. I am sure that I do not need to tell you what effect inflation has had and will continue to have on this and many other programs.

Since 1971, the estimated boater-days have increased from 36,000,000 to 52,300,000, while the number of fatalities have decreased from 138 in 1971 to 116 in 1977. These statistics, in themselves, are a good indication of program effectiveness, however, our contacts with the boating public—and the public in general—indicate that there is an even greater need for boating law enforcement with the ever increasing numbers of people using our waterways, and the compaction that is occurring in many areas.

With respect to the Land and Water Conservation Fund, the Department of Boating and Waterways receives \$400,000 annually in matching reimbursement for boating facilities development in California. California's 560,000 boats use 100,000,000 gallons of gasoline annually for non-highway use. Since the Federal gasoline use tax is \$0.04 per gallon, California's boaters pay \$4,000,000 annually in federal gasoline use tax for gasoline to propel their boats. These figures clearly indicate that only 10 percent of the gasoline use tax that boaters pay to the federal government is returned for facilities development, and the boaters are not getting their fair share.

If the Biaggi bill is enacted with an annual budget of \$30,000,000, it is estimated that \$2,400,000 would be available annually for California's boating facilities development, law enforcement and safety programs. Our estimate is made on the assumption that California has approximately 8 percent of the U.S. boating population. This program will provide much more for California's boaters.

I should point out to you that because California has one of the largest boating programs on the west coast, I have taken the liberty to explain the needs for these funds in this State in considerable detail. My colleagues in other western states have also expressed anxious concerns that without appropriate funding, critical services provided on their waterways would be drastically reduced. This was discussed at some length at the National Association of State Boating Law Administrators (NASBLA) Executive Board meeting in Nashville. I am sure that the Presidents of the other regions will be writing to you to express their concerns as well.

If I can provide you with more information regarding our collective needs for continued federal assistance, I do hope that you will contact me again. We solicit your support and continued interest in this important matter.

Sincerely,

MARTY MERCADO,
President.

STATE OF ALABAMA,
GOVERNOR'S OFFICE,
Montgomery, April 10, 1979.

Hon. MARIO BIAGGI,
*U.S. House of Representatives, Rayburn House Office Building,
Washington, D.C.*

DEAR CONGRESSMAN BIAGGI: I have recently learned through our Department of Conservation and Natural Resources Commissioner, Mr. Richard A. Forster, of your efforts during the last session of Congress to reallocate federal marine fuel taxes from the Land and Water Conservation Fund for the purpose of improving boating enforcement, education, and facilities, through a program of grants-in-aid to the States. I have been informed by Mr. Forster that new legislation to replace H.R. 3911 will be introduced by you in the near future.

On behalf of the boaters in Alabama I would like to commend you for your efforts and offer my support for legislation that will return the funds already being paid by the boater in the form of federal marine fuel tax to him in more and better services. With the pressure from increasing numbers of boats and inflation on our budgetary capabilities, boating facilities and boating law enforcement in Alabama are operating below maintenance level. I know that you share our concern for the welfare and security of our citizens who participate in boating activities and the best way I know to assure these services is to provide adequate law enforcement and safe convenient access areas and facilities. We support your efforts and if I can be of further assistance toward the accomplishment of your goals, please let me know.

Sincerely,

FOB JAMES, *Governor.*

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, August 6, 1979.

Hon. MARIO BIAGGI,
*U.S. House of Representatives, Rayburn House Office Building,
Washington, D.C.*

DEAR CONGRESSMAN BIAGGI: I wish to commend you for sponsoring H.R. 4310 (Recreational Boating Safety and Facilities Improvement Act of 1979). I have thoroughly reviewed the bill and support its passage.

This measure comes at a critical time, since Michigan's boating safety program faces a serious cutback at the end of fiscal year 1978-79 when federal financial assistance under the Federal Boat Safety Act of 1971 will be terminated. At the same time, sorely needed public boating facility projects are losing out because of high priorities assigned to other recreation forms.

Originally, passage of the Federal Boat Safety Act of 1971 (Public Law 92-75) provided federal aid to states to establish or improve state marine safety programs. The act authorized an appropriation for each year of a five-year period and has since been amended to authorize appropriations and federal aid to states through fiscal year 1980. However, federal funds for state marine safety programs have not been included in fiscal year 1980 appropriations. Further, aid to states has been on a descending percentage scale and is scheduled to be discontinued after fiscal year 1980. This system, of course, was designed to provide "seed money" to states with the intention that, as federal funds were withdrawn, the states would fill the financial gap with larger state appropriations.

Michigan has been eligible and has participated in the federal aid program. The amount of federal aid received over the past few years has been helpful and has permitted us to expand our program to a limited degree. It has not, however, permitted us to establish or maintain an adequate or stable program. When federal funds are discontinued, we will not be in a position to fill the financial gap. Over the past years we have increased state appropriations to meet the ever-increasing state percentage to earn federal aid. Through the encouragement of Public Law 92-

75 and federal funds, vessel registration fees have been increased to a level whereby they cannot be increased further. These increased revenues coupled with federal aid have resulted in the establishment of a reasonable, although not yet adequate, state program. Discontinuance of federal aid will surely result in a cutback of services for the protection of our boating public. We have exhausted our ability to generate additional revenue for the program due to the past increases to meet the ever-increased percentage match to obtain federal aid. Loss of federal aid will mean a substantial reduction in the state program.

Since the passage of Public Law 92-75, the Coast Guard has closed seven Coast Guard stations in Michigan, at a savings of nearly \$7 million to the federal government. They have also entered into law enforcement search and rescue, boating education, and race and regatta agreements with Michigan. Although we do not object to these procedures and, in fact, support them, it creates a situation whereby we must fill these voids and effect these agreements through program expansion. This expansion is not possible without federal aid.

I would like to point out that since passage of Public Law 92-75 with its federal aid provisions, Michigan has succeeded in reducing loss of life and property on the waters within its jurisdiction. This was done in the face of an ever-increasing number of recreational watercraft (currently 650,000). Elimination of federal aid will undoubtedly reverse this trend by reducing Michigan's program and increasing death and accidents on our waters.

I strongly support passage of H.R. 4310 since it will resolve the above-mentioned problems and allow Michigan to continue its successful marine safety program at an even more effective level. Additional reasons for my strong support are as follows:

1. Michigan currently dedicates the state marine fuel tax to the development and construction of marine facilities. Federal marine fuel taxes are deposited in the Land and Water Conservation Fund which is allocated to states for development of recreational facilities. This creates competition for allocated funds among the various interests. Passage of the bill will eliminate this situation and assure that fees and taxes paid by the boating community will be returned to them in the form of facilities and services. Marine facilities are sorely lacking and federal aid under the bill will help resolve this problem.

2. The bill will not require new taxes or fees. Existing revenues from boaters will be transferred to a fund dedicated to boating safety and facilities. The transfer will not adversely affect the Land and Water Conservation Fund and will assure the user groups of fair and equitable treatment.

3. General funds will not be used for special interest groups. Recreational boaters should pay their own way.

4. The bill will assure national uniformity in boating services and facility development programs.

5. The bill will create a shared responsibility between the states and the federal government to develop and conduct recreational boating safety and facilities programs which will best serve the recreational boating community in a safe and effective manner.

Your forward thinking and efforts in sponsoring this bill are appreciated. You may be assured of my support in encouraging its passage.

Kind personal regards.

Sincerely,

WILLIAM G. MILLIKEN,
Governor.

EXECUTIVE OFFICE,
STATE OF MISSOURI,
Jefferson City, March 9, 1979.

Hon. MARIO BIAGGI,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BIAGGI: On behalf of Missouri's boating and water enthusiasts, I am writing to express my concern and the concern of Colonel Dan A. Needham, Commissioner of the Missouri State Water Patrol, over the United States Coast Guard's termination of direct federal financial assistance for state boating safety programs. This action is consistent with a letter I received from Admiral O. W. Siller, Past Commandant of the United States Coast Guard, in January, 1978, but I understand that H.R. 10075 passed in the 95th Congress authorized \$10 million for fiscal year 1979 and fiscal year 1980. Colonel Needham advises \$5 million were appropriated to the states for fiscal year 1979 but the United States Coast Guard

has not requested any funds in their fiscal year 1980 budget for state boating safety programs.

The Federal Boat Safety Act of 1971 was an important step in recognizing that our "marine" community is as much of a community as our towns, cities, and rural areas. Federal dollars provided under this act have assisted Missouri to update their boating safety program with an end result of better service to the boating public. In order to keep this momentum going and provide safe and enjoyable boating for all who use our waterways, I need your support and assistance in appropriating federal financial aid to the states for boating safety programs as authorized under H.R. 10075.

Every effort on your part to amend the United States Coast Guard's budget to include safe boating funds for the states will be greatly appreciated. If you need information or assistance, please call Colonel Dan A. Needham, [REDACTED]

Best wishes,

JOSEPH P. TEASDALE, *Governor.*

DEPARTMENT OF PUBLIC SAFETY,
MISSOURI STATE WATER PATROL,
Jefferson City, Mo., August 8, 1979.

Hon. RICHARD H. ICHORD,
*House Office Building,
Washington, D.C.*

DEAR REPRESENTATIVE ICHORD: I am writing to ask you for your support in regard to what has become known as the Biaggi bill (H.R. 4310) which Representative Mario Biaggi introduced in Congress. This bill proposes dedicating \$30 million a year from Federal tax on gasoline used in boats for matching grants to the states for boating improvements. Two-thirds of the money, or \$20 million annually, would be used for recreational boating facilities; one-third, or \$10 million annually, for boating safety. H.R. 4310 will have an impact on Missouri's important and vital law enforcement and boating safety programs.

Since 1972 Missouri has received \$56,000 to \$122,000 annually to assist in providing Missouri waterway users with service, safety, and protection. Due to the termination of the Federal Boat Safety Act of 1971, Missouri is now faced with a decrease of funds. This decrease, coupled with inflation and the continuing increase in the boat population, translates into a reduction of services which, undoubtedly, will result in an increase of boating accidents and fatalities. I feel that the best way to adequately fund these vital marine services is through the fuel taxes our boaters have paid.

H.R. 4310 is of great concern nationwide. The Missouri State Water Patrol strongly supports H.R. 4310 and is confident that you will also recognize the needs of the Missouri boating public by endorsing this just and vital piece of legislation.

Thank you for your consideration.

Yours in boating and water safety,

Col. DAN A. NEEDHAM,
Commissioner.

COMMONWEALTH OF PENNSYLVANIA,
PENNSYLVANIA FISH COMMISSION,
Reno, Pa., December 30, 1978.

Hon. THOMAS P. O'NEILL, Jr.,
*Speaker of the House,
House Office Building, Washington, D.C.*

DEAR MR. O'NEILL: This letter is in reference to H.R. 13911 that was introduced during the 2nd session of the 95th Congress, its purpose is to improve recreational boat safety through financing of recreational boating facilities and financing boating safety programs.

While we favor the basic concept of H.R. 13911 that will in effect transfer the federal motor fuels and gasoline tax collected from use in recreational motorboats from the Heritage and Conservation Recreational Service to the U.S. Coast Guard, there is one area of concern to us in H.R. 13911.

We note that H.R. 13911 prohibits expenditures for maintenance of any kind of boating related projects. In Pennsylvania we operate our boating programs with a dedicated boat fund, with revenues chiefly from our state marine fuel tax and motorboat registration fees. As we continue to increase the number of boating

facilities throughout the state, our maintenance costs also increase. we have raised the question regarding lack of maintenance funds in H.R. 13911 and have been told that it is against federal policy to include maintenance in these types of funding bills.

I would appreciate knowing if it is indeed true that federal policy prohibits maintenance funds to be included in bills such as H.R. 13911, and if so, what is the philosophy that prohibits provisions in funding bills that would include expenditures for maintenance.

Sincerely yours,

WALTER F. GIBBS,
Commissioner for Boating.

COMMONWEALTH OF VIRGINIA,
HOUSE OF DELEGATES,
Richmond, Va., March 28, 1979.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives,
The Capitol, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to present to you copies of certain resolutions adopted by the 1979 Virginia General Assembly.

Sincerely,

JOSEPH H. HOLLEMAN, Jr.

HOUSE JOINT RESOLUTION No. 296

(Offered January 22, 1979)

Memorializing Congress to enact legislation to return to the states revenues generated by the federal tax imposed on fuels used to power motorboats

Patrons—McClanan, Washington, Heinz, Robinson, Pickett, Barrow, Stieffen, Diamonstein, Manning, O'Brien, J. W., Joannou, Heilig, Grayson, and White

Referred to the Committee on Finance

Whereas, a bill was introduced in the Second Session of the Ninety-Fifth Congress by the Honorable Mario Biaggi which would serve to return to the states revenues derived from the federal tax of fuel used to power motorboats; and

Whereas, the revenues, once returned to the states, would be dedicated to the improvement of boating facilities and safety programs; and

Whereas, the enactment of this or similar legislation would serve to redress the inequity resulting from the use of revenues generated by taxes on boaters for the support of programs unrelated to boating: Now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States of America is hereby memorialized to enact legislation which would return to the several states for their use in supporting boating-related programs the federal tax on fuel used to power motorboats; and be it

Resolved further, That the Clerk of the House of Delegates is hereby instructed to transmit copies of this resolution to the Speaker of the House of Representatives, the President of the Senate of the United States, the Honorable Mario Biaggi, and the members of the Virginia delegation to the Congress in order that they may be apprised of the sense of this body.

TOWN OF FALMOUTH WATERWAYS COMMITTEE,
Falmouth, Mass., July 12, 1979.

Hon. MARIO BIAGGI,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. BIAGGI: The Town of Falmouth, Mass., located on Cape Cod deals with a great number of tourists and boaters. Therefore, we fully endorse with the greatest support your "Recreational Boating Safety and Facilities Improvement Act of 1979".

Respectfully,

WM. D. JONES, D.V.M.
Selectmen.

NATIONAL ASSOCIATION OF STATE PARK DIRECTORS,
Tallahassee, Fla., March 16, 1978.

Mr. GEORGE W. STEWART, Jr.,
Secretary-Treasurer, National Association of State Boating Law Administrators,
Dover, Del.

DEAR MR. STEWART: Resolution No. 2 of the National Association of State Boating Law Administrators, calling for amendment of the Land and Water Conservation Fund Act, was taken up by the Executive Committee of the National Association of State Park Directors at its meeting in Sante Fe on March 3.

Our organization feels that it would be inadvisable to support legislation which would earmark any part of the Land and Water Conservation Fund for particular purposes or activities, as this could set an undesirable precedent for further earmarking and generate intense competition among various recreation interest groups. We are sympathetic with your case, however, and feel we could support you in legislation to redirect revenues from the federal motorboat fuel to tax to your purposes before such revenue is deposited in the Land and Water Conservation Fund.

If we can be of some further assistance to you, please let us know.

Sincerely,

NEY C. LANDRUM, President.

AMERICAN FISHING TACKLE MANUFACTURERS ASSOCIATION,
Arlington Heights, Ill., July 12, 1979.

Hon. MARIO BIAGGI,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BIAGGI: The more than 400 members of the American Fishing Tackle Manufacturers Association (AFTMA) are acutely aware of the need in this country for improved boating facilities and safety services for outdoor recreation.

On behalf of the membership of AFTMA, I am communicating with you to urge your favorable consideration of H.R. 4310 which would amend the Federal Boat Safety Act of 1971.

For too long, monies from the trust fund resulting from taxes on special motor fuels and gasoline used for motorboats have not been applied equitably to projects and programs that would benefit the millions of citizens who utilize our nation's aquatic resources, particularly boaters and sport fishermen. These people are both the ultimate contributors and the consumers.

The safety, educational and enforcement provisions of the Recreational Boating Safety and Facilities Improvement Act of 1979 will greatly assist states in carrying out their important responsibilities for these programs. Greater efforts by the states would be commensurate with the rapid growth of recreational boating and the increased interest in outdoor activity by the citizens of our country.

As we urge your support of H.R. 4310 in upcoming hearings and deliberations, we would likewise extend our cooperation whenever possible to assure that this responsible and progressive legislation receives a favorable resolution.

Sincerely yours,

THOMAS R. SCHEDLER,
Executive Vice President.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 19, 1979.

Hon. MARIO BIAGGI,
Chairman, Subcommittee on Coast Guard and Navigation, Committee on Merchant Marine and Fisheries, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Enclosed please find copy of the self explanatory letter dated July 10, 1979 addressed to me by Mr. Wilson Loubriel, Executive Director of the Puerto Rico Ports Authority, regarding H.R. 4310.

I support the views of Mr. Loubriel. Also you may count with my support and endorsement whenever this bill is brought to the House floor for its final consideration. I believe in the merits of this program and would like to see H.R. 4310 enacted. Cordially,

BALTASAR CORRADA,
Resident Commissioner, Puerto Rico.

Enclosure.

PORTS AUTHORITY,
COMMONWEALTH OF PUERTO RICO,
San Juan, July 10, 1979.

Hon. BALTASAR CORRADA DEL RIO,
Resident Commissioner, U.S. House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR COMMISSIONER CORRADA: We refer to your letter of June 19, 1979 concerning H.R. 4310, which would amend the Federal Boat Safety Act of 1971.

This proposed bill is of vital importance for our boating safety program which has been dependent for many years on funds provided by the Federal Boat Safety Act of 1971. This federal financial assistance has been a very significant contributing factor in our goal to conduct a comprehensive boating safety program. A considerable headway in reducing the rate of boating accidents and fatalities has been achieved through this Act.

The proposed continuance and increase of federal aid on a permanent basis will undoubtedly enable us to further improve our safety program in order to make the boating activity a pleasant and secure one.

We take the occasion to congratulate you as cosponsor of this important proposed legislation.

Cordially yours,

WILSON M. LOUBRIEL,
Executive Director.

DELAWARE MARINE TRADE ASSOCIATION,
Smyrna, Del., March 15, 1979.

Hon. MARIO BIAGGI,
*Chairman, Coast Guard and Navigation Subcommittee
Rayburn House Office Building, Washington, D.C.*

DEAR REPRESENTATIVE BIAGGI: On behalf of President Henry Kerley and the members of the Delaware Marine Trade Association, I am forwarding the enclosed resolution which was adopted in Dover, Delaware on March 13, 1979. This resolution expresses the Delaware Marine Trade Association's support of earmarking Federal boat fuel tax revenues for use by the States for boating safety, boating facilities, boating education and law enforcement programs that will enhance boaters safety and enjoyment.

The Delaware Marine Trade Association believes that funds generated by the boater from Federal Marine Fuel tax should return to the States for support of boating related programs.

Your assistance in this matter of utmost importance to the boating public will be greatly appreciated.

Very truly yours,

DOUGLAS P. VAN REES,
Secretary.

RESOLUTION IN SUPPORT OF EARMARKING FEDERAL MOTORBOAT FUEL TAX REVENUE FOR BOATING PURPOSES ADOPTED AT THE DELAWARE MARINE TRADE ASSOCIATION MEETING, DOVER, DEL., MARCH 13, 1979

Whereas the Land and Water Conservation Fund, administered by the U.S. Department of the Interior, is supported in part by the Federal tax on fuel used in boats, but no taxes are collected on forms of recreation other than boating for the Fund's purpose of funding outdoor recreation resources development; and

Whereas boaters have contributed close to \$350 million in Federal fuel taxes since the inception of the Land and Water Conservation Fund, and, at today's fuel tax rate and estimated fuel consumption will continue to pay the Fund increments of \$30 million a year; and

Whereas the National Heritage and Recreation Service Agency of the U.S. Department of the Interior, which allocates monies from the Land and Water Conser-

vation Fund in part to other Federal agencies and in larger part to the several States to be used on a matching basis for outdoor recreation projects, is unable to ensure the use of any part of Fund allocations for boating improvements; and

Whereas boaters demand to know why there are not enough boating facilities or marine patrolmen to take care of their needs in the light of all the Federal fuel taxes they have paid into the Land and Water Conservation Fund; and

Whereas now that increased annual receipts by the Land and Water Conservation Fund from such sources as off-shore mineral leases vastly exceed annual receipts from Federal boat fuel taxes, so that the Fund can afford to do without Federal boat fuel taxes, boaters are asking that their money be taken out of the Fund and earmarked to a Coast Guard administered fund to be used exclusively for boating facilities and safety services; and

Whereas the Delaware Marine Trade Association can and do sympathize with the need for using boaters money for boating purposes: Now, therefore, be it.

Resolved, by the Delaware Marine Trade Association, meeting in Dover, Delaware, That Federal boat fuel tax revenues be earmarked for use by the U.S. Coast Guard as Federal financial assistance to the States for boating facilities, education and law enforcement programs that will enhance boaters safety and enjoyment; and be it further.

Resolved, That copies of this resolution be forwarded to the Honorable Mario Biaggi, Chairman of the U.S. House Coast Guard and Navigation Subcommittee; the Honorable Pierre S. du Pont IV, Governor, State of Delaware; Senator William V. Roth, Jr.; Senator Joseph R. Biden, Jr.; Representative Thomas B. Evans, Jr.; Admiral John B. Hayes, Commandant, U.S. Coast Guard and Rear Admiral Bernie E. Thompson, Chief, Office of Boating Safety asking their support.

Passed unanimously March 13, 1979.

BOATING TRADES ASSOCIATION OF TEXAS,
Dallas, Tex., August 2, 1979.

Hon. MARIO BIAGGI,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BIAGGI: The Boating Trades Association of Texas is very pleased to advise you that our board of directors has voted to endorse H.R. 4310, the "Recreational Boating Safety and Facilities Act of 1979."

We understand that your bill would assign the four cents per gallon federal highway fuel tax paid by boaters on gasoline, currently assigned to the Land and Water Conservation Fund, to a new fund created by the bill to be known as the National Recreational Boating Safety and Facilities Improvement Fund. Money from this special fund would be used to provide for the construction and renovation of boating access facilities.

In our opinion, such a facilities improvement program would allow states like Texas to put boating facilities where they are needed—that is, where boaters live.

We appreciate your endeavors on behalf of the boating public and ask that you contact us if we can be of any service.

We await your reply.

Sincerely,

TOM NELMS, *President.*

THE INTERCLUB BOATING
ASSOCIATION OF WASHINGTON,
Seattle, Wash., June 30, 1979.

Hon. MARIO BIAGGI,
Chairman, Coast Guard and Navigation Subcommittee, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN BIAGGI: It has been called to our attention that you plan to hold a hearing on the bill H.R. 4310 on July 17, 1979. The Interclub Boating Association of the State of Washington, consisting of more than 60 boating clubs and organizations and numbering over 10,000 members, wishes to express our support and approval of this measure. The proposed National Boating Safety and Facilities Improvement Program and Fund financed by a portion of the federal marine fuels tax is a most appropriate way to provide direct benefits to boaters paying this tax. Auto fuel taxes flow to the Highway Trust and aviation fuel taxes to the Aviation Trust, where they are used for the benefit of the taxpayers con-

cerned. It is long past due and eminently just that recreational boaters receive equal consideration.

We further support the selection of the U.S. Coast Guard to administer this program. The Coast Guard is the preeminent federal agency presently dealing with the boating public. Agency personnel are undoubtedly more knowledgeable of small boats and boaters, and their requirements, than any other group of federal personnel. They can view the needs of the recreational boater from the water side as well as the shore side, with resulting better service to the boating public.

We also wish to express our appreciation for your interest in boating safety and facilities improvement, which are goals of our own association, and for your efforts in preparing and submitting H.R. 4310 which will be the basis for real progress in these areas.

Sincerely,

HUGH A. McLACHLAN, *President.*

PENNSYLVANIA BOATING ASSOCIATION, INC.,
Philadelphia, Pa., July 10, 1979.

Hon. MARIO BIAGGI,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BIAGGI: We have been anxiously awaiting, and glad to hear the news that the Recreational Boating Safety and Facilities Improvement Act of 1979 has been introduced and assigned to your Coast Guard and Navigation Subcommittee.

We fully support H.R. 4310 knowing the great void it will fill for the boating public. While I will not be able to attend the July 17th hearing our delegate to the National Boating Federation, Carl Sheppard plans to attend and speak in favor of the bill.

This letter is to put our organization clearly on record in support, and to ask for early action in the House.

Sincerely,

HENRY K. KOCH, *Secretary.*

CONNECTICUT MARINE TRADES ASSOCIATION, INC.,
Hartford, Conn., July 12, 1979.

Re H.R. 4310 Recreational Boating Safety and Facilities Improvement Act.

Congressman MARIO BIAGGI,
Tenth Congressional District,
Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN BIAGGI: We strongly support this bill. Connecticut has an admirable record in boating safety and badly needs additional and improved launch ramp facilities. We are losing the Boating Safety federal funding. If this bill is not passed, it will either mean higher registration fees, increasing the inflationary spiral, or Connecticut's boating fund will have to be eliminated, since it would no longer be self-supporting.

Passage of this bill will help us to provide greater recreational opportunities, both for our citizens and for tourists, thereby stimulating the state's economy.

Passage of this bill will mean improved boat launching facilities so that boaters can gain access to the water closer to home, thereby assisting in fuel conservation.

Without this bill, loss of Connecticut's boating fund will result in both the state and our shoreline towns having to lay off many personnel, since there will be no money to continue boating safety enforcement. Unfortunately, this could result in loss of life and property. This method of financing state boating safety and boating facilities does not entail any new or additional taxes or make any demands on general revenues. The 4 cents per gallon unrefundable marine fuel tax, presently paid by boaters, would simply be returned in benefits to boaters. Under the present system, this money does not benefit those who pay it.

It is not realistic to think that recreation is an expendable item. The more tensions created by our modern day society, the more free time: (If, for example, the 4 day work week was adopted as a fuel conservation measure) people have, the more they need recreational pursuits.

It is in the interest of all to provide adequate and safe recreational facilities as close to home as possible.

We strongly support this bill.
Very truly yours,

CONNECTICUT MARINE TRADES,
By WILLIAM SWARTZBAUGH,
Its Chairman.

CALIFORNIA YACHT BROKERS ASSOCIATION,
Newport Beach, Calif., July 13, 1979.

Re H.R. 4310

Hon. MARIO BIAGGI,
*Chairman, U.S. House Coast Guard and Navigation Subcommittee,
Rayburn House Office Building, Washington, D.C.*

DEAR MR. BIAGGI: We congratulate you on the authorship of H.R. 4310, an essential piece of legislation.

As President of the California Yacht Brokers Association, I view your bill as the salvation of California's boating safety efforts. Your approach to funding additional boating facilities through the use of boating fuel Federal tax revenue is not only logical, but sensible.

Enclosed are copies of letters that have been sent to the California Congressmen who participate on the House Committee on Merchant Marine & Fisheries urging them to support H.R. 4310.

Very truly yours,

BOB SELDON, *President.*

SOUTHERN CALIFORNIA BOATING SAFETY ADVISORY GROUP,
July 9, 1979.

Hon. JOHN M. MURPHY,
*Chairman, U.S. House Committee on Merchant Marine and Fisheries,
Rayburn House Office Building, Washington, D.C.*

DEAR MR. MURPHY: Our group known as the Southern California Boating Safety Advisory Group, with a strong interest in boating safety, would like to urge you to vote in favor of H.R. 4310. The bill is to apply \$30 million a year in Federal marine fuel tax revenue to the assistance of the several states in carrying on vital boating safety and boating facilities improvement projects.

This bill seems to be the only salvation of state boating safety efforts which would otherwise be abandoned. The bill is also regarded as the most sensible approach to funding more boating access by letting the boatmen pay their own way by use of Federal tax on fuel used in boats.

H.R. 4310 would be a positive motivator to more states to set aside fuel taxes attributable to boating as a way of matching Federal financial assistance. With all of the above mentioned items in mind we hereby strongly support passage by the Congress of the United States of H.R. 4310.

Sincerely,

BOB GRANT, *President.*

MARINA DEL REY LESSEES ASSOCIATION,
Marina del Rey, Calif., July 3, 1979.

Re H.R. 4310.

Hon. MARIO BIAGGI,
*Chairman, U.S. House Coast Guard and Navigation Subcommittee,
Rayburn House Office Building, Washington, D.C.*

DEAR MR. BIAGGI: You are to be congratulated on the authorship of H.R. 4310, a very badly needed piece of legislation.

As a 40 plus year recreational boater in California, I see your Bill as the salvation of our boating safety programs in this State. I also strongly feel that your approach to funding additional boating facilities thru boating fuel tax funds is a very logical method to pursue.

I am pleased to enclose copies of letters I have written to our California Congressmen who participate on the House Committee on Merchant Marine & Fisheries encouraging them to support H.R. 4310.

Sincerely,

ROBERT R. LESLIE,
Executive Vice President.

DELAWARE BOATING COUNCIL,
Dover, Del., March 21, 1979.

Hon. MARIO BIAGGI,
*Chairman, U.S. House Coast Guard and Navigation Subcommittee,
Rayburn House Office Building, Washington, D.C.*

DEAR REPRESENTATIVE BIAGGI: On behalf of President William Dukes and the members of the Delaware Boating Council, I am forwarding the enclosed resolution which was adopted in Dover, Delaware on March 21, 1979. This resolution expresses the Delaware Boating Council's support of earmarking Federal boat fuel tax revenues for use by the States for boating safety, boating facilities, boating education and law enforcement programs that will enhance boaters safety and enjoyment. The Delaware Boating Council believes that funds generated by the boater from Federal Marine Fuel tax should return to the States for support of boating related programs.

Your assistance in this matter of utmost importance to the boating public will be greatly appreciated.

Very truly yours,

ALBERT W. HOLMES,
Secretary/Treasurer.

Enclosure.

RESOLUTION IN SUPPORT OF EARMARKING FEDERAL MOTORBOAT FUEL TAX
REVENUE FOR BOATING PURPOSES

Whereas the Land and Water Conservation Fund, administered by the U.S. Department of the Interior, is supported in part by the Federal tax on fuel used in boats, but no taxes are collected on forms of recreation other than boating for the Fund's purpose of funding outdoor recreation resources development; and

Whereas boaters have contributed close to \$350 million in Federal fuel taxes since the inception of the Land and Water Conservation Fund, and, at today's fuel tax rate and estimated fuel consumption will continue to pay the Fund increments of \$30 million a year; and

Whereas the National Heritage and Recreation Service Agency of the U.S. Department of the Interior, which allocates monies from the Land and Water Conservation Fund in part to other Federal agencies and in larger part to the several States to be used on a matching basis for outdoor recreation projects, is unable to ensure the use of any part of Fund allocations for boating improvements; and

Whereas boaters demand to know why there are not enough boating facilities or marine patrolmen to take care of their needs in the light of all the Federal fuel taxes they have paid into the Land and Water Conservation Fund; and

Whereas now that increased annual receipts by the Land and Water Conservation Fund from such sources as off-shore mineral leases vastly exceed annual receipts from Federal boat fuel taxes, so that the Fund can afford to do without Federal boat fuel taxes, boaters are asking that their money be taken out of the Fund and earmarked to a Coast Guard administered fund to be used exclusively for boating facilities and safety services; and

Whereas the Delaware Boating Council can and do sympathize with the need for using boaters money for boating purposes: Now, therefore, be it

Resolved by the Delaware Boating Council meeting in Dover, Delaware, That Federal boat fuel tax revenues be earmarked for use by the U.S. Coast Guard as Federal financial assistance to the States for boating facilities, education and law enforcement program that will enhance boaters safety and enjoyment; and be it further

Resolved, That copies of this resolution be forwarded to the Honorable Mario Biaggi, Chairman of the U.S. House Coast Guard and Navigation Subcommittee; the Honorable Pierre S. du Pont IV, Governor, State of Delaware; Senator William V. Roth, Jr.; Senator Joseph R. Biden, Jr.; Representative Thomas B. Evans, Jr.; Admiral John B. Hayes, Commandant, U.S. Coast Guard and Rear Admiral Bernie E. Thompson, Chief, Office of Boating Safety asking their support.

Passed Unanimously March 21, 1979.

FLORIDA COUNCIL OF YACHT CLUBS, INC.,
Sarasota, Fla., March 29, 1979.

Hon. MARIO BIAGGI,
Rayburn House Office Building, Washington, D.C.

DEAR REPRESENTATIVE BIAGGI: The Florida Council of Yacht Clubs which represents over 10,000 Florida boating families wishes to endorse your efforts and bill to legislate that Federal fuel taxes be remitted for the benefit of the boating public.

For too many years, the dollars paid into the Government by motor boaters have been allocated for projects of no benefit to boaters and, in our estimation, this is a gross injustice.

Your efforts are appreciated and please let us know if in any manner, we can assist you in bringing this matter to a successful fruition.

Very truly yours.

IRVING G. SNYDER,
Legislative Chairman.

STATEMENT OF LILLIAN ROENER

My name is Lillian Roener and I'm a boat-owner.

I haven't any startling new information to add to the remarks that have already been made. I think I'm not typical as a boat-owner; I'm not a boat-man; I own a 30 foot sloop; I've sailed Lake Ontario for 50+ years; I do not belong to a club (though some here now allow women to join).

I more or less represent about 20 boat owners of sail boats, 30 feet or less, who dock on the west side of the Genesee and to whom I've been talking about this bill. After receiving a notice of this hearing from Representative Conable, in response to my letter requesting him to support H.R. 4310, I had 200 flyers printed and distributed along the docks. I am somewhat disappointed by the number of people who are here this morning as a result of this activity but for the six people who came let me outline for the Committee the points they have said are important: First, we are in favor of the bill because there is no need to generate new money to implement it and it is a way for boat owners to pay for their own safety programs and better boating facilities.

There are many needs: more safe harbors. There is no harbor for a keel boat for 45 miles west of Roch. (to Oak Orchard), and no good harbor east of Roch. for 35 miles (Sodus); and no safe harbor between Oswego and Henderson Harbor (about 40 miles) to get off Mexico Bay—a very rough and dangerous part of the Lake.

We need to have the south shore of Lake Ontario developed as the Canadians have developed their side. There is a public dock in each small town and those in the larger towns have facilities, electric, water, and rest rooms for a reasonable price.

With the growing number of sail boats, it doesn't seem sensible to consider a stationary bridge of 24 foot clearance at the mouth of Irondequoit Bay—if that Bay is ever opened. There wouldn't be a dock shortage now if the Bay were accessible.

Braddocks Bay is not accessible to any but the smallest boats. Dredging and piers are needed. The Corps of Engineers dredge "Lyman" spent over a month on the Genesee River. Only one commercial company uses the Rochester harbor. No ships come in here except a cement boat from Canada twice a week that docks at the Roch. Cement Co. dock 2 miles south of the Lake. The harbor facilities at the mouth of the River are not used but the dredge spends several weeks dredging the turning basin in front of them. That this area is going without use while there is a shortage of docks on the River is one thing. The other is that Braddocks would provide many additional docks if dredged. Boat owners probably reap some benefits from the dredging operation on the Genesee. But it raises the question "Why can't recreational boaters command some of this dredging time in other harbors where dredging is needed?"

We will continue to support this bill and to talk about it to other boat owners, as well as to write our Congressmen to support it.

Thank you.

[Whereupon, at 12:32 p.m., the hearing was concluded.]



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