

108TH CONGRESS
1ST SESSION

S. 1804

To reauthorize programs relating to sport fishing and recreational boating safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 2003

Mr. BREAU (for himself, Mr. LOTT, and Mr. HOLLINGS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To reauthorize programs relating to sport fishing and recreational boating safety, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sport Fishing and Rec-
5 reational Boating Safety Act”.

1 **TITLE I—FEDERAL AID IN SPORT**
2 **FISH RESTORATION ACT**
3 **AMENDMENTS**

4 **SEC. 101. AMENDMENT OF FEDERAL AID IN FISH RESTORA-**
5 **TION ACT.**

6 Except as otherwise expressly provided, whenever in
7 this title an amendment or repeal is expressed in terms
8 of an amendment to, or repeal of, a section or other provi-
9 sion, the reference shall be considered to be made to a
10 section or other provision of the Act entitled “An Act to
11 provide that the United States shall aid the States in fish
12 restoration and management projects, and for other pur-
13 poses,” approved August 9, 1950 (64 Stat. 430; 16 U.S.C.
14 777 et seq.).

15 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

16 Section 3 (16 U.S.C. 777b) is amended—

17 (1) by striking “the succeeding fiscal year.” in
18 the third sentence and inserting “succeeding fiscal
19 years.”; and

20 (2) by striking “in carrying on the research
21 program of the Fish and Wildlife Service in respect
22 to fish of material value for sport and recreation.”
23 and inserting “to supplement the 55.3 percent of
24 each annual appropriation to be apportioned among

1 the States, as provided for in section 4(b) of this
2 Act.”.

3 **SEC. 103. DIVISION OF ANNUAL APPROPRIATIONS.**

4 Section 4 (16 U.S.C. 777c) is amended—

5 (1) by striking subsections (a) through (d) and
6 redesignating subsections (e), (f), and (g) as sub-
7 sections (b), (c), and (d);

8 (2) by inserting before subsection (b), as redes-
9 ignated, the following:

10 “(a) IN GENERAL.—For fiscal years 2004 through
11 2009, each annual appropriation made in accordance with
12 the provisions of section 3 of this Act shall be distributed
13 as follows:

14 “(1) COASTAL WETLANDS.—18 percent to the
15 Secretary of the Interior for distribution as provided
16 in the Coastal Wetlands Planning, Protection, and
17 Restoration Act (16 U.S.C. 3951 et seq.).

18 “(2) BOATING SAFETY.—18 percent to the Sec-
19 retary of Homeland Security for State recreational
20 boating safety programs under section 13106 of title
21 46, United States Code.

22 “(3) CLEAN VESSEL ACT.—1.9 percent to the
23 Secretary of the Interior for qualified projects under
24 section 5604(c) of the Clean Vessel Act of 1992 (33
25 U.S.C. 1322 note).

1 “(4) BOATING INFRASTRUCTURE.—1.9 percent
2 to the Secretary of the Interior for obligation for
3 qualified projects under section 7404(d) of the
4 Sportfishing and Boating Safety Act of 1998 (16
5 U.S.C. 777g–1(d)).

6 “(5) NATIONAL OUTREACH AND COMMUNICA-
7 TIONS.—1.9 percent to the Secretary of the Interior
8 for the National Outreach and Communications Pro-
9 gram under section 8(d) of this Act. Such amounts
10 shall remain available for 3 fiscal years, after which
11 any portion thereof that is unobligated by the Sec-
12 retary for that program may be expended by the
13 Secretary under subsection (b) of this section.

14 “(6) SET-ASIDE FOR EXPENSES FOR ADMINIS-
15 TRATION OF THIS CHAPTER.—

16 “(A) IN GENERAL.—2.1 percent to the
17 Secretary of the Interior for expenses for ad-
18 ministration incurred in implementation of this
19 Act, in accordance with this section, section 9,
20 and section 14 of this Act.

21 “(B) APPORTIONMENT OF UNOBLIGATED
22 FUNDS.—If any portion of the amount made
23 available to the Secretary under subparagraph
24 (A) remains unexpended and unobligated at the
25 end of a fiscal year, that portion shall be appor-

1 tioned among the States, on the same basis and
 2 in the same manner as other amounts made
 3 available under this Act are apportioned among
 4 the States under subsection (b) of this section,
 5 within 60 days after the end of that fiscal year.
 6 Any amount apportioned among the States
 7 under this subparagraph shall be in addition to
 8 any amounts otherwise available for apportion-
 9 ment among the States under subsection (b) for
 10 the fiscal year.”;

11 (3) by striking “of the Interior, after the dis-
 12 tribution, transfer, use, and deduction under sub-
 13 sections (a), (b), (c), and (d), respectively, and after
 14 deducting amounts used for grants under section 14,
 15 shall apportion the remainder” in subsection (b), as
 16 redesignated, and inserting “shall apportion 55.3
 17 percent”;

18 (4) by striking “per centum” each place it ap-
 19 pears in subsection (b), as redesignated, and insert-
 20 ing “percent”;

21 (5) by striking “subsections (a), (b)(3)(A),
 22 (b)(3)(B), and (c)” in paragraph (1) of subsection
 23 (d), as redesignated, and inserting “paragraphs (1),
 24 (3), (4), and (5) of subsection (a)”;

25 (6) by adding at the end the following:

1 “(e) TRANSFER OF CERTAIN FUNDS.—Amounts
 2 available under paragraphs (3) and (4) of subsection (a)
 3 that are unobligated by the Secretary after 3 fiscal years
 4 shall be transferred to the Secretary of Homeland Security
 5 and shall be expended for State recreational boating safety
 6 programs under section 13106(a) of title 46, United
 7 States Code.”.

8 **SEC. 104. MAINTENANCE OF PROJECTS.**

9 Section 8 (16 U.S.C. 777g) is amended—

10 (1) by striking “in carrying out the research
 11 program of the Fish and Wildlife Service in respect
 12 to fish of material value for sport or recreation.” in
 13 subsection (b)(2) and inserting “to supplement the
 14 55.3 percent of each annual appropriation to be ap-
 15 portioned among the States under section 4(b) of
 16 this Act.”; and

17 (2) by striking “subsection (c) or (d) of section
 18 4” in subsection (d)(3) and inserting “paragraph (5)
 19 or (6) of section 4(a)”.

20 **SEC. 105. BOATING INFRASTRUCTURE.**

21 Section 7404(d)(1) of the Sportfishing and Boating
 22 Safety Act of 1998 (16 U.S.C. 777g–1(d)(1)) is amended
 23 by striking “section 4(b)(3)(B)” and inserting “section
 24 4(a)(4)”.

1 **SEC. 106. REQUIREMENTS AND RESTRICTIONS CON-**
 2 **CERNING USE OF AMOUNTS FOR EXPENSES**
 3 **FOR ADMINISTRATION.**

4 Section 9 (16 U.S.C. 777h) is amended—

5 (1) by striking “section 4(d)(1)” in subsection
 6 (a) and inserting “section 4(a)(6)”; and

7 (2) by striking “section 4(d)(1)” in subsection
 8 (b)(1) and inserting “section 4(a)(6)”.

9 **SEC. 107. PAYMENTS OF FUNDS TO AND COOPERATION**
 10 **WITH PUERTO RICO, THE DISTRICT OF CO-**
 11 **LUMBIA, GUAM, AMERICAN SAMOA, COMMON-**
 12 **WEALTH OF THE NORTHERN MARINA IS-**
 13 **LANDS, AND VIRGIN ISLANDS.**

14 Section 12 (16 U.S.C. 777k) is amended by striking
 15 “in carrying on the research program of the Fish and
 16 Wildlife Service in respect to fish of material value for
 17 sport or recreation.” and inserting “to supplement the
 18 55.3 percent of each annual appropriation to be appor-
 19 tioned among the States under section 4(b) of this Act.”.

20 **SEC. 108. MULTISTATE CONSERVATION GRANT PROGRAM.**

21 Section 14 (16 U.S.C. 777m) is amended—

22 (1) by striking so much of subsection (a) as
 23 precedes paragraph (2) and inserting the following:

24 “(a) IN GENERAL.—

25 “(1) AMOUNT FOR GRANTS.—For each of fiscal
 26 years 2004 through 2009, 0.9 percent of each an-

1 nual appropriation made in accordance with the pro-
 2 visions of section 3 of this Act shall be distributed
 3 to the Secretary of the Interior for making
 4 multistate conservation project grants in accordance
 5 with this section.”;

6 (2) by striking “section 4(e)” each place it ap-
 7 pears in subsection (a)(2)(B) and inserting “section
 8 4(b)”;

9 (3) by striking “Of the balance of each annual
 10 appropriation made under section 3 remaining after
 11 the distribution and use under subsections (a), (b),
 12 and (c) of section 4 for each fiscal year and after
 13 deducting amounts used for grants under subsection
 14 (a)—” in subsection (e) and inserting “Of amounts
 15 made available under section 4(a)(6) for each fiscal
 16 year—”.

17 **TITLE II—AMENDMENTS TO THE** 18 **TRUST FUND CODE**

19 **SEC. 201. TRANSFERS FROM THE TRUST FUND FOR MOTOR-** 20 **BOAT FUEL TAXES.**

21 Paragraph (4) of section 9503(c) of the Internal Rev-
 22 enue Code of 1986 (26 U.S.C. 9503(c)) is amended—

23 (1) by striking so much of that paragraph as
 24 precedes subparagraph (C) and inserting the fol-
 25 lowing:

1 “(4) TRANSFERS FROM THE TRUST FUND FOR MO-
2 TORBOAT FUEL TAXES.—

3 “(A) TRANSFER TO LAND AND WATER CON-
4 SERVATION FUND.—

5 “(i) IN GENERAL.—The Secretary shall
6 pay from time to time from the Highway Trust
7 Fund into the land and water conservation fund
8 provided for in title I of the Land and Water
9 Conservation Fund Act of 1965 amounts (as
10 determined by him) equivalent to the motorboat
11 fuel taxes received on or after October 1, 2003,
12 and before October 1, 2009.

13 “(ii) LIMITATION.—The aggregate amount
14 transferred under this subparagraph during any
15 fiscal year shall not exceed \$1,000,000.

16 “(B) EXCESS FUNDS TRANSFERRED TO SPORT
17 FISH RESTORATION ACCOUNT.—Any amounts re-
18 ceived in the Highway Trust Fund—

19 “(i) which are attributable to motorboat
20 fuel taxes, and

21 “(ii) which are not transferred from the
22 Highway Trust Fund under subparagraph (A),
23 shall be transferred by the Secretary from the High-
24 way Trust Fund into the Sport Fish Restoration Ac-
25 count in the Aquatic Resources Trust Fund.”; and

1 (2) By striking subparagraph (C) and redesignig-
 2 nating subparagraphs (D) and (E) as subparagraphs
 3 (C) and (D), respectively.

4 **SEC. 202. EXPENDITURES FROM THE BOAT SAFETY AC-**
 5 **COUNT.**

6 Section 9504(c) of the Internal Revenue Code of
 7 1986 (26 U.S.C. 9504(c)) is amended to read as follows:

8 “(c) EXPENDITURES FROM BOAT SAFETY AC-
 9 COUNT.—Amounts in the Boat Safety Account on the date
 10 of enactment of the Sport Fishing and Recreational Boat-
 11 ing Safety Act, and amounts thereafter credited to the Ac-
 12 count under section 9602(b), shall be available, without
 13 further appropriation, in the following amounts:

14 “(1) In fiscal year 2004, \$28,155,000 shall be
 15 distributed—

16 “(A) under section 4 of the Act entitled
 17 “An Act to provide that the United States shall
 18 aid the States in fish restoration and manage-
 19 ment projects, and for other purposes,” ap-
 20 proved August 9, 1950 (16 U.S.C. 777c) in the
 21 following manner:

22 “(i) \$11,200,000 to be added to funds
 23 available under subsection (a)(2) of that
 24 section,

1 “(ii) \$1,245,000 to be added to funds
2 available under subsection (a)(3) of that
3 section,

4 “(iii) \$1,245,000 to be added to funds
5 available under subsection (a)(4) of that
6 section,

7 “(iv) \$1,245,000 to be added to funds
8 available under subsection (a)(5) of that
9 section, and

10 “(v) \$12,800,000 to be added to
11 funds available under subsection (b) of
12 that section, and

13 “(B) under section 14 of that Act (16
14 U.S.C. 777m), \$420,000, to be added to funds
15 available under subsection (a)(1) of that sec-
16 tion.

17 “(2) In fiscal year 2005, \$22,419,000 shall be
18 distributed—

19 “(A) under section 4 of that Act (16
20 U.S.C. 777c) in the following manner:

21 “(i) \$8,075,000 to be added to funds
22 available under subsection (a)(2) of that
23 section,

1 “(ii) \$713,000 to be added to funds
2 available under subsection (a)(3) of that
3 section,

4 “(iii) \$713,000 to be added to funds
5 available under subsection (a)(4) of that
6 section,

7 “(iv) \$713,000 to be added to funds
8 available under subsection (a)(5) of that
9 section, and

10 “(v) \$11,925,000 to be added to
11 funds available under subsection (b) of
12 that Act, and

13 “(B) under section 14 of that Act (16
14 U.S.C. 777m), \$280,000 to be added to funds
15 available under subsection (a)(1) of that sec-
16 tion.

17 “(3) In fiscal year 2006, \$17,139,000 shall be
18 distributed—

19 “(A) under section 4 of that Act (16
20 U.S.C. 777c) in the following manner:

21 “(i) \$6,800,000 to be added to funds
22 available under subsection (a)(2) of that
23 section,

1 “(ii) \$333,000 to be added to funds
2 available under subsection (a)(3) of that
3 section,

4 “(iii) \$333,000 to be added to funds
5 available under subsection (a)(4) of that
6 section,

7 “(iv) \$333,000 to be added to funds
8 available under subsection (a)(5) of that
9 section, and

10 “(v) \$9,200,000 to be added to funds
11 available under subsection (b) of that sec-
12 tion, and

13 “(B) under section 14 of that Act (16
14 U.S.C. 777m), \$140,000, to be added to funds
15 available under subsection (a)(1) of that sec-
16 tion.

17 “(4) In fiscal year 2007, \$12,287,000 shall be
18 distributed—

19 “(A) under section 4 of that Act (16
20 U.S.C. 777c) in the following manner:

21 “(i) \$5,100,000 to be added to funds
22 available under subsection (a)(2) of that
23 section,

1 “(ii) \$48,000 to be added to funds
2 available under subsection (a)(3) of that
3 section,

4 “(iii) \$48,000 to be added to funds
5 available under subsection (a)(4) of that
6 section,

7 “(iv) \$48,000 to be added to funds
8 available under subsection (a)(5) of that
9 section, and

10 “(v) \$6,900,000 to be added to funds
11 available under subsection (b) of that sec-
12 tion, and

13 “(B) under section 14 of that Act (16
14 U.S.C. 777m), \$143,000, to be added to funds
15 available under subsection (a)(1) of that sec-
16 tion.

17 “(5) In fiscal year 2008, all remaining funds in
18 the Account shall be distributed under section 4 of
19 that Act (16 U.S.C. 777c) in the following manner:

20 “(A) one-third to be added to funds avail-
21 able under subsection (b), and

22 “(B) two-thirds to be added to funds avail-
23 able under subsection (h).”.

1 **TITLE III—CLEAN VESSEL ACT**
2 **AMENDMENTS**

3 **SEC. 301. GRANT PROGRAM.**

4 Section 5604(C)(2) of the Clean Vessel Act of 1992
5 (33 U.S.C. 1322 note) is amended—

6 (1) by striking subparagraph (A); and

7 (2) by redesignating subparagraphs (B) and
8 (C) as subparagraphs (A) and (B), respectively.

9 **TITLE IV—RECREATIONAL BOAT-**
10 **ING SAFETY PROGRAM**
11 **AMENDMENTS**

12 **SEC. 401. STATE MATCHING FUNDS REQUIREMENT.**

13 Section 13103(b) of title 46, United States Code, is
14 amended by striking “one-half” and inserting “75 per-
15 cent”.

16 **SEC. 402. AVAILABILITY OF ALLOCATIONS.**

17 Section 13104(a) of title 46, United States Code, is
18 amended—

19 (1) by striking “2 years” in paragraph (1) and
20 inserting “3 years”; and

21 (2) by striking “2-year” in paragraph (2) and
22 inserting “3-year”.

1 **SEC. 403. AUTHORIZATION OF APPROPRIATIONS FOR**
 2 **STATE RECREATIONAL BOATING SAFETY**
 3 **PROGRAMS.**

4 Section 13106(c) of title 46, United States Code, is
 5 amended—

6 (1) by striking “Secretary of Transportation
 7 under paragraphs (2) and (3) of section 4(b)” and
 8 inserting “Secretary under subsections (a)(2) and
 9 (e) of section 4”; and

10 (2) by inserting “a minimum of” before
 11 “\$2,000,000”.

12 **SEC. 404. MAINTENANCE OF EFFORT FOR STATE REC-**
 13 **REATIONAL BOATING SAFETY PROGRAMS.**

14 (a) IN GENERAL.—Chapter 131 of title 46, United
 15 States Code, is amended by inserting after section 13106
 16 the following:

17 **“§ 13107. Maintenance of effort for State recreational boating**
 18 **safety programs**

19 “(a) IN GENERAL.—The amount payable to a State
 20 for a fiscal year from an allocation under section 13103
 21 of this chapter shall be reduced if the usual amounts ex-
 22 pended by the State for the State’s recreational boating
 23 safety program, as determined under section 13105 of this
 24 chapter, for the previous fiscal year is less than the aver-
 25 age of the total of such expenditures for the 3 fiscal years
 26 immediately preceding that previous fiscal year. The re-

duction shall be proportionate, as a percentage, to the amount by which the level of State expenditures for such previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years immediately preceding that previous fiscal year.

“(b) REDUCTION OF THRESHHOLD.—If the total amount available for allocation and distribution under this chapter in a fiscal year for all participating State recreational boating safety programs is less than such amount for the preceding fiscal year, the level of State expenditures required under subsection (a) of this section for the preceding fiscal year shall be decreased proportionately.

“(c) WAIVER.—

“(1) IN GENERAL.—Upon the written request of a State, the Secretary may waive the provisions of subsection (a) of this section for 1 fiscal year if the Secretary determines that a reduction in expenditures for the State’s recreational boating safety program is attributable to a non-selective reduction in expenditures for the programs of all Executive branch agencies of the State government, or for other reasons if the State demonstrates to the Secretary’s satisfaction that such waiver is warranted.

“(2) 30-DAY DECISION.—The Secretary shall approve or deny a request for a waiver not later than 30 days after the date the request is received.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 131 of title 46, United States Code, is amended by inserting after the item relating to section 13106 the following:

“13107. Maintenance of effort for State recreational boating safety programs.”.

