

and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 13104. Allocations

(a) The Secretary shall allocate amounts available for allocation and distribution under this chapter for State recreational boating safety programs as follows:

(1) One-third shall be allocated equally each fiscal year among eligible States.

(2) One-third shall be allocated among eligible States that maintain a State vessel numbering system approved under chapter 123 of this title and a marine casualty reporting system approved under this chapter so that the amount allocated each fiscal year to each eligible State will be in the same ratio as the number of vessels numbered in that State bears to the number of vessels numbered in all eligible States.

(3) One-third shall be allocated so that the amount allocated each fiscal year to each eligible State will be in the same ratio as the amount of State amounts expended by the State for the State recreational boating safety program during the prior fiscal year bears to the total State amounts expended during that fiscal year by all eligible States for State recreational boating safety programs.

(b) The amount received by a State under this section in a fiscal year may be not more than one-half of the total cost incurred by that State in developing, carrying out, and financing that State's recreational boating safety program in that fiscal year.

(c) The Secretary may allocate not more than 5 percent of the amounts available for allocation and distribution in a fiscal year for national boating safety activities of national nonprofit public service organizations.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 594, §13103; Pub. L. 98-369, div. A, title X, §1011(d), July 18, 1984, 98 Stat. 1013; Pub. L. 101-595, title III, §312(c), Nov. 16, 1990, 104 Stat. 2987; renumbered §13104, Pub. L. 109-304, §16(b)(1), Oct. 6, 2006, 120 Stat. 1705.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 13103, 46:1476

Section 13103 requires the Secretary to allocate the amounts available for recreational boating safety and facilities improvement programs according to a specific formula:

(1) 1/3 shall be allocated equally to each eligible State;

(2) 1/3 shall be allocated to those States maintaining an approved numbering system; and

(3) 1/3 shall be allocated to the State in the proportion that the State obligated in the prior fiscal year to the total amount obligated by all of the States in the prior fiscal year.

Editorial Notes

PRIOR PROVISIONS

A prior section 13104 was renumbered section 13105 of this title.

AMENDMENTS

2006—Pub. L. 109-304 renumbered section 13103 of this title as this section.

1990—Subsec. (a)(3). Pub. L. 101-595 struck out “or obligated” after “expended” in two places.

1984—Subsec. (b). Pub. L. 98-369, §1011(d), redesignated subsec. (c) as (b), struck out “and facilities improvement” after “boating safety”, and struck out former subsec. (b) which related to allocation of amounts for State recreational boating facilities improvement programs by the Secretary.

Subsec. (c). Pub. L. 98-369, §1011(d)(1), redesignated subsec. (e) as (c). Former subsec. (c) redesignated (b).

Subsec. (d). Pub. L. 98-369, §1011(d)(1), struck out subsec. (d) which provided that an allocation or distribution of amounts under this section may not be made to a State to maintain boating facilities under that State's approved recreational boating safety and facilities improvement program.

Subsec. (e). Pub. L. 98-369, §1011(d)(1), redesignated subsec. (e) as (c).

Subsec. (f). Pub. L. 98-369, §1011(d)(1), struck out subsec. (f) which provided that the Secretary could extend amounts necessary to carry out this chapter but that there was a limitation on the total amount allocable.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 effective Oct. 1, 1984, to apply with respect to fiscal years beginning after Sept. 30, 1984, see section 1013 of Pub. L. 98-369, set out as a note under section 13101 of this title.

PAYMENT OF ADMINISTRATIVE COSTS; RETENTION OF AMOUNT PRIOR TO ALLOCATIONS

Pub. L. 99-640, §7(d), Nov. 10, 1986, 100 Stat. 3548, which related to retention of amounts appropriated for State recreational boating safety programs prior to making allocations for a fiscal year, was repealed by Pub. L. 100-448, §6(b)(1)(B), Sept. 28, 1988, 102 Stat. 1840.

§ 13105. Availability of allocations

(a)(1) Amounts allocated to a State shall be available for obligation by that State for a period of 3 years after the date of allocation.

(2) Amounts allocated to a State that are not obligated at the end of the 3-year period referred to in paragraph (1) shall be withdrawn and allocated by the Secretary in addition to any other amounts available for allocation in the fiscal year in which they are withdrawn or the following fiscal year.

(b) Amounts available to the Secretary for State recreational boating safety programs for a fiscal year that have not been allocated at the end of the fiscal year shall be allocated among States in the next fiscal year in addition to amounts otherwise available for allocation to States for that next fiscal year.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 595, §13104; Pub. L. 99-307, §1(18), May 19, 1986, 100 Stat. 446; Pub. L. 102-587, title V, §5101, Nov. 4, 1992, 106 Stat. 5070; Pub. L. 105-178, title VII, §7405(a), June 9, 1998, 112 Stat. 487; Pub. L. 109-59, title X, §10142, Aug. 10, 2005, 119 Stat. 1931; renumbered §13105, Pub. L. 109-304, §16(b)(1), Oct. 6, 2006, 120 Stat. 1705.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 13104, 46:1477

Section 13104 allows a State to use any of the amounts received from the Secretary over a 3 year pe-

riod. If the State does not spend the money within that period, the amounts revert to the Secretary, who will make the amounts available along with the amounts available for that year.

Editorial Notes

PRIOR PROVISIONS

A prior section 13105 was renumbered section 13106 of this title.

AMENDMENTS

2006—Pub. L. 109-304 renumbered section 13104 of this title as this section.

2005—Subsec. (a)(1). Pub. L. 109-59, §10142(1), substituted “3 years” for “2 years”.

Subsec. (a)(2). Pub. L. 109-59, §10142(2), substituted “3-year” for “2-year”.

1998—Subsec. (a)(1). Pub. L. 105-178, §7405(a)(1), substituted “2 years” for “3 years”.

Subsec. (a)(2). Pub. L. 105-178, §7405(a)(2), substituted “2-year” for “3-year”.

1992—Pub. L. 102-587 amended section generally. Prior to amendment, section read as follows:

“(a) Amounts allocated to a State shall be available for obligation by that State for a period of 3 years after the date of allocation. Amounts unobligated by the State at the end of the 3 years shall be withdrawn by the Secretary and shall be available with other amounts to be allocated by the Secretary during that fiscal year.

“(b) Amounts available to the Secretary for State recreational boating safety programs that have not been allocated at the end of a fiscal year shall be carried forward as part of the total allocation of amounts for the next fiscal year that may be expended under this chapter.”

1986—Subsec. (b). Pub. L. 99-307 inserted “for State recreational boating safety programs” after “Secretary”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2005 AMENDMENTS

From Aug. 10, 2005, to end of fiscal year 2005, subsec. (a) of this section considered to read as immediately before enactment of Pub. L. 109-59, see section 101(b) of Pub. L. 109-74, set out as a note under section 777b of Title 16, Conservation.

Amendment by Pub. L. 109-59 effective Oct. 1, 2005, see section 10102 of Pub. L. 109-59, set out as a note under section 777b of Title 16, Conservation.

§ 13106. Computation decisions about State amounts expended

(a) Consistent with regulations prescribed by the Secretary, the computation by a State of amounts expended for the State recreational boating safety program shall include—

- (1) the acquisition, maintenance, and operating costs of land, facilities, equipment, and supplies;
- (2) personnel salaries and reimbursable expenses;
- (3) the costs of training personnel;
- (4) public boat safety education;
- (5) the costs of carrying out the program; and
- (6) other expenses that the Secretary considers appropriate.

(b) The Secretary shall decide an issue arising out of the computation made under subsection (a) of this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 596, §13105; Pub. L. 98-369, div. A, title X, §1011(e), July 18,

1984, 98 Stat. 1013; Pub. L. 101-595, title III, §312(c), Nov. 16, 1990, 104 Stat. 2987; renumbered §13106, Pub. L. 109-304, §16(b)(1), Oct. 6, 2006, 120 Stat. 1705.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
13105	46:1478

Section 13105 prescribes what amounts expended or obligated by a State will be counted toward the State's share. This section also authorizes the Secretary to settle any dispute over the computations required by this section.

Editorial Notes

PRIOR PROVISIONS

A prior section 13106 was renumbered section 13107 of this title.

AMENDMENTS

2006—Pub. L. 109-304 renumbered section 13105 of this title as this section.

1990—Subsec. (a). Pub. L. 101-595 struck out “or obligated” after “expended” in provisions preceding par. (1).

1984—Subsec. (a). Pub. L. 98-369 struck out “and facilities improvement” after “boating safety” in provisions preceding par. (1).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 effective Oct. 1, 1984, to apply with respect to fiscal years beginning after Sept. 30, 1984, see section 1013 of Pub. L. 98-369, set out as a note under section 13101 of this title.

§ 13107. Authorization of appropriations

(a) Subject to subsection (c), the Secretary shall expend in each fiscal year for State recreational boating safety programs, under contracts with States under this chapter, an amount equal to the amount transferred to the Secretary under subsections (a)(2) and (f) of section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(a)(2) and (f)). The amount shall be allocated as provided under section 13104 of this title and shall be available for State recreational boating safety programs as provided under the guidelines established under subsection (b) of this section. Amounts authorized to be expended for State recreational boating safety programs shall remain available until expended and are deemed to have been expended only if an amount equal to the total amounts authorized to be expended under this section for the fiscal year in question and all prior fiscal years have been obligated. Amounts previously obligated but released by payment of a final voucher or modification of a program acceptance shall be credited to the balance of unobligated amounts and are immediately available for expenditure.

(b) The Secretary shall establish guidelines prescribing the purposes for which amounts available under this chapter for State recreational boating safety programs may be used. Those purposes shall include—

- (1) providing facilities, equipment, and supplies for boating safety education and law en-