

105TH CONGRESS  
1ST SESSION

# H. R. 2973

To amend the Act popularly known as the Federal Aid in Fish Restoration Act, authorizing assistance to the States for fish restoration and management projects, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 1997

Mr. TANNER (for himself, Mr. CUNNINGHAM, Mr. CHAMBLISS, Mr. PETERSON of Minnesota, Mr. YOUNG of Alaska, Mr. DINGELL, Mr. BAKER, Mr. McCRERY, Mr. SAXTON, Mr. CLEMENT, Mr. JOHN, Mr. CRAMER, Mr. JEFFERSON, Mr. BONIOR, Mr. BOEHLERT, Mr. GILCHREST, Mr. McHUGH, Mr. COOKSEY, Mr. WATKINS, Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Mr. CASTLE, and Mrs. JOHNSON of Connecticut) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Act popularly known as the Federal Aid in Fish Restoration Act, authorizing assistance to the States for fish restoration and management projects, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Sportfishing and Boat-  
3 ing Improvement Act of 1997”.

4 **SEC. 2. AMENDMENT OF 1950 ACT.**

5 Whenever in this Act an amendment or repeal is ex-  
6 pressed in terms of an amendment to, or repeal of, a sec-  
7 tion or other provision of the 1950 Act, the reference shall  
8 be considered to be made to a section or other provision  
9 of the Act entitled “An Act to provide that the United  
10 States shall aid the States in fish restoration and manage-  
11 ment projects, and for other purposes,” approved August  
12 9, 1950 (16 U.S.C. 777 et seq.), popularly known as the  
13 Federal Aid in Fish Restoration Act.

14 **SEC. 3. OUTREACH AND COMMUNICATIONS PROGRAMS.**

15 (a) DEFINITIONS.—Section 2 of the 1950 Act (16  
16 U.S.C. 777a) is amended—

17 (1) by indenting the left margin of so much of  
18 the text as precedes “(a)” by 2 ems;

19 (2) by inserting “For purposes of this Act—”  
20 after the section caption;

21 (3) by striking “For the purpose of this Act  
22 the” in the first paragraph and inserting “(1) the”;

23 (4) by indenting the left margin of so much of  
24 the text as follows “include—” by 4 ems;

1           (5) by striking “(a)”, “(b)”, “(c)”, and “(d)”  
2           and inserting “(A)”, “(B)”, “(C)”, and “(D)”, re-  
3           spectively;

4           (6) by striking “department.” and inserting  
5           “department;”; and

6           (7) by adding at the end thereof the following:

7           “(2) the term ‘outreach and communications  
8           program’ means a program to improve communica-  
9           tions with anglers, boaters, and the general public  
10          regarding angling and boating opportunities, to re-  
11          duce barriers to participation in these activities, to  
12          advance adoption of sound fishing and boating prac-  
13          tices, to promote conservation and the responsible  
14          use of the nation’s aquatic resources, and to further  
15          safety in fishing and boating; and

16          “(3) the term ‘aquatic resource education pro-  
17          gram’ means a program designed to enhance the  
18          public’s understanding of aquatic resources and  
19          sport-fishing, and to promote the development of re-  
20          sponsible attitudes and ethics toward the aquatic en-  
21          vironment.”.

22          (b) INCREASE IN STATE ALLOCATION.—Section 8 of  
23          the 1950 Act (16 U.S.C. 777g) is amended—

1           (1) in subsection (b) by striking “12½ per cen-  
2           tum” each place it appears and inserting “15 per  
3           cent”;

4           (2) in subsection (c) by striking “10 per cen-  
5           tum” and inserting “15 percent”;

6           (3) in subsection (c) by inserting “and commu-  
7           nications” after “outreach”; and

8           (4) by redesignating subsection (d) as sub-  
9           section (f); and by inserting after subsection (c) the  
10          following:

11          “(d) NATIONAL OUTREACH AND COMMUNICATIONS  
12          PROGRAM.—

13                 “(1) IMPLEMENTATION.—Within 1 year after  
14                 the date of enactment of the Sportfishing and Boat-  
15                 ing Improvement Act of 1997, the Secretary of the  
16                 Interior shall develop and implement, in cooperation  
17                 and consultation with the Sport Fishing and Boat-  
18                 ing Partnership Council, a national plan for out-  
19                 reach and communications.

20                 “(2) CONTENT.—The plan shall provide—

21                         “(A) guidance, including guidance on the  
22                         development of an administrative process and  
23                         funding priorities, for outreach and communica-  
24                         tions programs; and

1           “(B) for the establishment of a national  
2           program.

3           “(3) SECRETARY MAY MATCH OR FUND PRO-  
4           GRAMS.—Under the plan, the Secretary may—

5           “(A) make grants to any State or private  
6           entity to pay all or any portion of the cost of  
7           carrying out any outreach or communications  
8           program under the plan; or

9           “(B) contract with States or private enti-  
10          ties to carry out such a program.

11          “(4) REVIEW.—The plan shall be reviewed peri-  
12          odically, but not less frequently than once every 3  
13          years.

14          “(e) STATE OUTREACH AND COMMUNICATIONS PRO-  
15          GRAM.—Within 12 months after the completion of the na-  
16          tional plan under subsection (d)(1), a State shall develop  
17          a plan for an outreach and communications program and  
18          submit it to the Secretary. In developing the plan, a State  
19          shall—

20                 “(1) review the national plan developed under  
21                 subsection (d);

22                 “(2) consult with anglers, boaters, the  
23                 sportfishing and boating industries, and the general  
24                 public; and

1           “(3) establish priorities for the State outreach  
2           and communications program proposed for imple-  
3           mentation.”.

4 **SEC. 4. CLEAN VESSEL ACT FUNDING.**

5           Section 4(b) of the 1950 Act (16 U.S.C. 777c(b)) is  
6           amended to read as follows:

7           “(b) USE OF BALANCE AFTER DISTRIBUTION.—

8           “(1) IN GENERAL.—Of the balance of each an-  
9           nual appropriation remaining after making the dis-  
10          tribution under subsection (a), an amount equal to  
11          \$42,500,000 for each of fiscal years 1998 through  
12          2003 shall be used as follows:

13                 “(A) \$15,000,000 shall be transferred to  
14                 the Secretary of Transportation and shall be ex-  
15                 pended for State recreational boating safety  
16                 programs under section 13106(a)(1) of title 46,  
17                 United States Code.

18                 “(B) \$10,000,000 shall be available to the  
19                 Secretary of the Interior for obligation for  
20                 qualified projects under section 5604(c) of the  
21                 Clean Vessel Act of 1992 (33 U.S.C. 1322  
22                 note).

23                 “(C) \$10,000,000 shall be available to the  
24                 Secretary of the Interior for obligation for  
25                 qualified projects under section (5)(d) of the

1 Sportfishing and Boating Improvement Act of  
2 1997.

3 “(D) \$7,500,000 shall be available to the  
4 Secretary of the Interior for obligation for the  
5 national outreach and communications program  
6 under section 8(d).

7 The Secretary of the Interior shall publish a detailed  
8 accounting of the projects, programs, and activities  
9 funded under subparagraph (D) annually in the  
10 Federal Register. No funds available to the Sec-  
11 retary under this subsection may be used to replace  
12 funding traditionally provided through general ap-  
13 propriations, nor for any purposes except those pur-  
14 poses authorized by this Act.

15 “(2) AMOUNT REMAINING UNOBLIGATED AFTER  
16 3 YEARS.—Amounts available under subparagraphs  
17 (B) and (C) of paragraph (1) that are unobligated  
18 by the Secretary of the Interior after 3 years shall  
19 be transferred to the Secretary of Transportation  
20 and be expended for State recreational boating safe-  
21 ty programs under section 13106(a)(1) of title 46,  
22 United States Code.

23 “(3) CARRYFORWARD.—Amounts available for  
24 the national outreach and education program under  
25 paragraph (1)(D) shall remain available for 2 fiscal

1 years after the fiscal year in which the amounts are  
2 first available. Amounts available to the program  
3 under that paragraph that are unobligated by the  
4 Secretary of the Interior more than 2 years after the  
5 first fiscal year in which the amounts are available  
6 shall be available to the Secretary, in addition to  
7 amounts otherwise available, for apportionment  
8 under section 4(d).”.

9 **SEC. 5. BOATING INFRASTRUCTURE.**

10 (a) PURPOSE.—The purpose of this section is to pro-  
11 vide funds to States for the development and maintenance  
12 of public facilities for transient nontrailerable recreational  
13 vessels.

14 (b) SURVEY.—Section 8 of the 1950 Act (16 U.S.C.  
15 777g), as amended by section 3, is amended by adding  
16 at the end thereof the following:

17 “(g) SURVEYS.—

18 “(1) NATIONAL FRAMEWORK.—Within 6  
19 months after the date of enactment of the  
20 Sportfishing and Boating Improvement Act of 1997,  
21 the Secretary, in consultation with the States, shall  
22 adopt a national framework for a public boat access  
23 needs assessment which may be used by States to  
24 conduct surveys to determine the adequacy, number,

1 location, and quality of facilities providing access to  
2 recreational waters for all sizes of recreational boats.

3 “(2) STATE SURVEYS.—Within 18 months after  
4 such date of enactment, each State that agrees to  
5 conduct a public boat access needs survey following  
6 the recommended national framework shall report its  
7 findings to the Secretary for use in the development  
8 of a comprehensive national recreational boat access  
9 needs assessment.

10 “(3) EXCEPTION.—Paragraph (2) does not  
11 apply to a State if, within 18 months after such date  
12 of enactment, the Secretary certifies that the State  
13 has developed and is implementing a plan that en-  
14 sures there are and will be public boat access ade-  
15 quate to meet the needs of recreational boaters on  
16 its waters.

17 “(4) FUNDING.—A State that conducts a public  
18 boat access needs survey under paragraph (2) may  
19 fund the costs of conducting that assessment out of  
20 amounts allocated to it as funding dedicated to mo-  
21 torboat access to recreational waters under sub-  
22 section (b)(1) of this section.”.

23 (c) PLAN.—Within 6 months after submitting a sur-  
24 vey to the Secretary under section 8(g) of the Act entitled  
25 “An Act to provide that the United States shall aid the

1 States in fish restoration and management projects, and  
2 for other purposes,” approved August 9, 1950 (16 U.S.C.  
3 777g(g)), as added by subsection (b) of this section, a  
4 State may develop and submit to the Secretary a plan for  
5 the construction, renovation, and maintenance of public  
6 facilities, and access to those facilities, for transient  
7 nontrailerable recreational vessels to meet the needs of  
8 nontrailerable recreational vessels operating on navigable  
9 waters in the State.

10 (d) GRANT PROGRAM.—

11 (1) MATCHING GRANTS.—The Secretary of the  
12 Interior shall obligate amounts made available under  
13 section 4(b)(1)(C) of the Act entitled “An Act to  
14 provide that the United States shall aid the States  
15 in fish restoration and management projects, and for  
16 other purposes,” approved August 9, 1950 (16  
17 U.S.C. 777c(b)(1)(C)) to make grants to any State  
18 to pay not more than 75 percent of the cost to a  
19 State of constructing, renovating, or maintaining  
20 public facilities for transient nontrailerable rec-  
21 reational vessels.

22 (2) PRIORITIES.—In awarding grants under  
23 paragraph (1), the Secretary shall give priority to  
24 projects that—

1 (A) consist of the construction, renovation,  
2 or maintenance of public facilities for transient  
3 nontrailerable recreational vessels in accordance  
4 with a plan submitted by a State under sub-  
5 section (c);

6 (B) provide for public/private partnership  
7 efforts to develop, maintain, and operate facili-  
8 ties for transient nontrailerable recreational  
9 vessels; and

10 (C) propose innovative ways to increase the  
11 availability of facilities for transient  
12 nontrailerable recreational vessels.

13 (e) DEFINITIONS.—For purposes of this section, the  
14 term—

15 (1) “nontrailerable recreational vessel” means a  
16 recreational vessel 26 feet in length or longer—

17 (A) operated primarily for pleasure; or

18 (B) leased, rented, or chartered to another  
19 for the latter’s pleasure;

20 (2) “public facilities for transient nontrailerable  
21 recreational vessels” includes mooring buoys, day-  
22 docks, navigational aids, seasonal slips, or similar  
23 structures located on navigable waters, that are  
24 available to the general public and designed for tem-  
25 porary use by nontrailerable recreational vessels; and

1           (4) “State” means each of the several States of  
2           the United States, the District of Columbia, the  
3           Commonwealth of Puerto Rico, Guam, American  
4           Samoa, the Virgin Islands, and the Commonwealth  
5           of the Northern Mariana Islands.

6           (f) EFFECTIVE DATE.—This section shall take effect  
7           on October 1, 1997.

8           **SEC. 6. AQUATIC RESOURCES TRUST FUND.**

9           (a)     EXCISE     TAX     AMENDMENTS.—Sections  
10          4041(a)(2) and 4081(d)(1) of the Internal Revenue Code  
11          of 1986 are each amended by striking “1999” and insert-  
12          ing “2005”.

13          (b) TRUST FUND AMENDMENTS.—

14                 (1) Section 9503 of such Code is amended—

15                         (A) by striking “1997” in subsection  
16                         (c)(4)(A)(i) and inserting “2005”;

17                         (B) by striking subsection (c)(4)(A)(ii) and  
18                         inserting the following:

19                                 “(ii) LIMIT ON TRANSFERS DURING  
20                                 ANY FISCAL YEAR.—The aggregate amount  
21                                 transferred under this subparagraph dur-  
22                                 ing any fiscal year shall not exceed  
23                                 \$60,000,000 for fiscal year 1998 and for  
24                                 each fiscal year thereafter.”; and

1 (C) by striking “1997” in subsection (c)(5)  
2 and inserting “2005”.

3 (2) Section 9504 of such Code is amended—

4 (A) by striking “(as in effect on October 1,  
5 1988)” in subsection (b)(2)(A) and in sub-  
6 section (c); and

7 (B) by striking “April 1, 1998” in sub-  
8 section (c) and inserting “October 1, 2005”.

9 (c) CONFORMING AMENDMENT.—Section 13106 of  
10 title 46, United States Code, is amended—

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

22 (2) by striking subsection (c) and inserting the  
23 following:

24 “(c) Of the amount transferred for each fiscal year  
25 to the Boat Safety Account under section 9503(c)(4)(A)

1 of the Internal Revenue Code of 1986, \$5,000,000 is avail-  
2 able to the Secretary for payment of expenses of the Coast  
3 Guard for personnel and activities directly related to car-  
4 rying out the national recreational boating safety program  
5 under this title. No funds available to the Secretary under  
6 this subsection may be used to replace funding tradition-  
7 ally provided through general appropriations, nor for any  
8 purposes except those purposes authorized by the Act of  
9 August 9, 1950 (16 U.S.C. 777 et seq.). Amounts made  
10 available by this subsection shall remain available until ex-  
11 pended. The Secretary shall publish annually in the Fed-  
12 eral Register a detailed accounting of the projects, pro-  
13 grams, and activities funded under this subsection.”.

○