

Public Law 109-74
109th Congress

An Act

Sept. 29, 2005
[H.R. 3649]

To ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sportfishing and
Recreational
Boating Safety
Amendments Act
of 2005.
16 USC 777 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sportfishing and Recreational Boating Safety Amendments Act of 2005”.

**TITLE I—CORRECTIONS TO THE
SPORTFISHING AND RECREATIONAL
BOATING SAFETY ACT OF 2005**

SEC. 101. EFFECTIVE DATE OF AMENDMENTS.

(a) IN GENERAL.—The Sportfishing and Recreational Boating Safety Act of 2005 (Public Law 109-59) is amended—

Ante, p. 1927.

- (1) by striking section 10112(b)(2); and
- (2) by inserting after section 10101 the following:

16 USC 777b
note.

“SEC. 10102. EFFECTIVE DATE.

“The amendments made by this subtitle shall take effect October 1, 2005.”

16 USC 777b
note.

(b) TEMPORARY PRESERVATION OF EXISTING LAW.—Except as provided by the amendments made by title II of this Act, during the period beginning on the date of the enactment of the Sportfishing and Recreational Boating Safety Act of 2005, and ending upon the expiration of fiscal year 2005, the provisions of law amended by the Sportfishing and Recreational Boating Safety Act of 2005 (as amended by this Act) shall be considered to read as such laws read immediately before the enactment of that Act.

SEC. 102. RECREATIONAL BOATING SAFETY FUNDS.

Section 10143 of the Sportfishing and Recreational Boating Safety Act of 2005 (Public Law 109-59) is amended—

Ante, p. 1931.

- (1) in paragraph (1) by striking “under section 10119 of the Sportfishing and Recreational Boating Safety Act of 2005” and inserting “under section 15 of the Dingell-Johnson Sport Fish Restoration Act”;

- (2) in paragraph (2) by striking “subsection (a)(2) of section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(a)(2))” and inserting “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));

(3) in paragraph (4)—

(A) in subparagraph (B) by inserting a closed parenthesis after “(16 U.S.C. 777c(a)(2)”; and

(B) by striking subparagraphs (C) and (D) and inserting the following:

“(C) by striking ‘\$5,000,000’ and inserting ‘\$5,500,000’; and

“(D) by inserting ‘not less than’ before ‘\$2,000,000’; and”;

(4) in paragraph (5) by striking “unexpected” and inserting “unexpended”.

SEC. 103. EXPENDITURE OF REMAINING BALANCE IN BOAT SAFETY ACCOUNT.

Section 10119 of the Sportfishing and Recreational Boating Safety Act of 2005 (Public Law 109-59) is amended in the text proposed to be inserted as section 15 of the Dingell-Johnson Sport Fish Restoration Act—

Ante, p. 1929.

(1) in paragraph (2)(A)(v) of such text by striking “of this Act” and inserting “of that section”;

(2) in paragraphs (1) through (4) of such text by striking “subsection (b) of that section” each place it appears in such text and inserting “subsection (c) of that section”; and

(3) in paragraph (5)—

(A) in subparagraph (A) by striking “subsection (b)” and inserting “subsection (a)(2) of that section”; and

(B) in subparagraph (B) by striking “subsection (h)” and inserting “subsection (c) of that section”.

TITLE II—EXTENSION OF RECREATIONAL BOATING FUNDING THROUGH THE END OF FISCAL YEAR 2005

SEC. 201. NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM FUNDING.

Section 4(c)(7) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)(7)) is amended to read as follows:

“(7) \$10,000,000 for fiscal year 2005;”.

SEC. 202. CLEAN VESSEL ACT FUNDING.

Section 4(b)(4) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)(4)) is amended—

(1) in the section heading by striking “FIRST 303 DAYS OF FISCAL” and inserting “FISCAL”;

(2) by striking “July 30, 2005” and inserting “September 30, 2005”;

(3) by striking “\$68,071,233” and inserting “\$82,000,000”;

(4) in subparagraph (A), by striking “\$8,301,370” and inserting “\$10,000,000”; and

(5) in subparagraph (B), by striking “\$6,641,096” and inserting “\$8,000,000”.

SEC. 203. COAST GUARD EXPENSES.

Section 13106(c)(1) of title 46, United States Code, is amended—

- (1) by striking “\$4,150,685” and inserting “\$5,000,000”; and
- (2) by striking “\$1,660,274” and inserting “\$2,000,000”.

TITLE III—EXTENSION OF AUTHORIZATION FOR USE OF FUNDS IN BOAT SAFETY ACCOUNT

SEC. 301. EXTENSION OF AUTHORIZATION FOR USE OF FUNDS IN BOAT SAFETY ACCOUNT FOR OBLIGATIONS BEFORE OCTOBER 1, 2005.

26 USC 9504. (a) **BOAT SAFETY ACCOUNT.**—Subsection (c) of section 9504 of the Internal Revenue Code of 1986 (relating to expenditures from boat safety account) is amended—

- (1) by striking “August 15, 2005” and inserting “October 1, 2005”; and

- (2) by striking “Surface Transportation Extension Act of 2005, Part VI” and inserting “Sportfishing and Recreational Boating Safety Amendments Act of 2005”.

26 USC 9504
note.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 302. CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY UNDER SECTION 1102(c)(4)(A) OF PUBLIC LAW 109-59.

Notwithstanding section 1102(c)(4)(A) of Public Law 109-59; 119 Stat. 1144, et seq., or any other provision of law, for fiscal year 2005, obligation authority for funds made available under title I of division H of Public Law 108-447; 118 Stat. 3216 for expenses necessary to discharge the functions of the Secretary of Transportation with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, shall be made available in an amount equal to the funds provided therein: *Provided*, That the additional obligation authority needed to meet the requirements of this section shall be withdrawn from the obligation authority previously distributed to the other programs, projects, and activities

funded by the amount deducted under section 117 of title I of division H of Public Law 108-447.

Approved September 29, 2005.

LEGISLATIVE HISTORY—H.R. 3649:

CONGRESSIONAL RECORD, Vol. 151 (2005):

Sept. 13, considered and passed House.

Sept. 15, considered and passed Senate, amended.

Sept. 20, House concurred in Senate amendment.