3505; Pub. L. 100–448, § 20(a), Sept. 28, 1988, 102 Stat. 1846; Pub. L. 102–241, § 24, Dec. 19, 1991, 105 Stat. 2217; Pub. L. 104–324, title III, § 304(f), Oct. 19, 1996, 110 Stat. 3918; Pub. L. 107–295, title III, § 335, Nov. 25, 2002, 116 Stat. 2105; Pub. L. 108–293, title IV, § 418(f), Aug. 9, 2004, 118 Stat. 1049; Pub. L. 111–281, title VI, § 621(b), Oct. 15, 2010, 124 Stat. 2976.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
13110	46:1482

Section 13110 establishes the National Boating Safety Advisory Council, the membership of the council, and compensation for individuals serving on the council. This council is to be established consistent with the Federal Advisory Committee Act (P.L. 92–463; 5 U.S.C. App.).

AMENDMENTS

2010—Subsec. (d). Pub. L. 111–281, § 621(b)(1), struck out first sentence which read: ''When attending meetings of the Council, a member of the Council or a panel may be paid at a rate not more than the rate for GS–18.''

Subsec. (e). Pub. L. 111–281, § 621(b)(2), substituted ''September 30, 2020'' for ''September 30, 2010''.

2004—Subsec. (e). Pub. L. 108–293 substituted ''September 30, 2010'' for ''September 30, 2005''.

2002—Subsec. (e). Pub. L. 107–295 substituted ''September 30, 2005'' for ''September 30, 2000''.

1996—Subsec. (e). Pub. L. 104–324 substituted ''2000'' for ''1996''.

1991—Subsec. (e). Pub. L. 102–241 substituted ''1996'' for ''1991''.

1988—Subsec. (b)(1). Pub. L. 100–448 substituted ''representatives of'' for ''members from'' wherever appearing.

1986—Subsec. (a). Pub. L. 99–626, § 3(b)(1), struck out ''not more than'' before ''21 members'' and inserted ''recreational'' after ''experience in''.

Subsec. (b)(1). Pub. L. 99–626, § 3(b)(2), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''Insofar as practical and to ensure balanced representation, the Secretary shall appoint members equally from—

''(A) State officials responsible for State boating safety programs;

''(B) recreational vessel manufacturers; and

''(C) boating organizations and members of the general public.''

Subsec. (e). Pub. L. 99–626, § 3(a)(1), added subsec. (e).

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

IMPLEMENTATION OF 1988 AMENDMENT

Pub. L. 100–448, § 20(b), Sept. 28, 1988, 102 Stat. 1846, provided that: ''The Secretary of the department in which the Coast Guard is operating shall carry out the amendments made by subsection (a) [amending this section] as vacancies in the membership of the National Boating Safety Advisory Council occur.''

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities 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.]

IMPLEMENTATION OF 1986 AMENDMENT

Pub. L. 99–626, § 3(b)(3), Nov. 7, 1986, 100 Stat. 3505, provided that: ''The Secretary of Transportation shall carry out the amendments made by paragraph (2) [amending this section] as vacancies in the membership of the National Boating Safety Advisory Council occur.''

PART J—MEASUREMENT OF VESSELS

HISTORICAL AND REVISION NOTES

Part J contains provisions that apply to the measurement of a vessel to determine its tonnage. Tonnage is a measurement of a vessel's volume and is used for international, customs, and regulatory purposes. This part implements the 1969 International Convention on Tonnage Measurement of Ships and provides a framework for phasing in the international system as the method of measuring ships domestically, to establish uniformity in ship measurement. The availability of an alternate domestic regulatory system of measurement is continued so that the application of domestic laws will be preserved in order that vessels engaged in domestic commerce will not be adversely affected.

CHAPTER 141—GENERAL

Sec.
14101. Definitions.
[14102. Repealed.]
14103. Delegation of authority.
14104. Measurement to determine application of a law.

AMENDMENTS

1990—Pub. L. 101–595, title VI, § 603(12)(B), Nov. 16, 1990, 104 Stat. 2993, struck out item 14102 ''Regulations''.

§ 14101. Definitions

In this part—

(1) ''Convention'' means the International Convention on Tonnage Measurement of Ships, 1969.

(2) ''existing vessel'' means a vessel the keel of which was laid or that was at a similar stage of construction before July 18, 1982.

(3) ''Great Lakes'' means—

(A) the Great Lakes; and

(B) the St. Lawrence River west of—

(i) a rhumb line drawn from Cap des Rosiers to West Point, Anticosti Island; and

(ii) on the north side of Anticosti Island, the meridian of longitude 63 degrees west.

(4) ''vessel that engages on a foreign voyage'' means a vessel—

(A) that arrives at a place under the jurisdiction of the United States from a place in a foreign country;

(B) that makes a voyage between places outside the United States;

(C) that departs from a place under the jurisdiction of the United States for a place in a foreign country; or

(D) that makes a voyage between a place within a territory or possession of the United States and another place under the jurisdiction of the United States not within that territory or possession.

(Pub. L. 99–509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1919; Pub. L. 111–281, title III, § 303(a), Oct. 15, 2010, 124 Stat. 2923.)

HISTORICAL AND REVISION NOTES

Revised section 14101

Source: International Convention on Tonnage Measurement of Ships.

Section 14101 contains definitions that are limited to Part J—Measurement of Vessels. The source of these definitions is the International Convention on Tonnage Measurement of Ships in articles 2 and 4.

AMENDMENTS

2010—Par. (4). Pub. L. 111–281, § 303(a)(1), substituted ''that engages'' for ''engaged'' in introductory provisions.

Par. (4)(A). Pub. L. 111–281, § 303(a)(2), substituted ''that arrives'' for ''arriving''.

Par. (4)(B). Pub. L. 111–281, § 303(a)(3), substituted ''that makes'' for ''making'' and struck out ''(except a foreign vessel engaged on that voyage)'' after ''United States''.

Par. (4)(C). Pub. L. 111–281, § 303(a)(4), substituted ''that departs'' for ''departing''.

Par. (4)(D). Pub. L. 111–281, § 303(a)(5), substituted ''that makes'' for ''making''.

[§ 14102. Repealed. Pub. L. 101–595, title VI, § 603(12)(A), Nov. 16, 1990, 104 Stat. 2993]

Section, Pub. L. 99–509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1919, authorized Secretary to prescribe regulations to carry out this part.

§ 14103. Delegation of authority

(a) The Secretary may delegate to a qualified person the authority to measure a vessel and issue an International Tonnage Certificate (1969) or other appropriate certificate of measurement under this part.

(b) Under regulations prescribed by the Secretary, a decision of the person delegated authority under subsection (a) of this section related to measuring a vessel or issuing a certificate may be appealed to the Secretary.

(c) For a vessel that engages on a foreign voyage, the Secretary may delegate to another country that is a party to the Convention the authority to measure the vessel and issue an International Tonnage Certificate (1969) under chapter 143 of this title.

(d) The Secretary may terminate a delegation made under this section after giving written notice to the person.

(Pub. L. 99–509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1919; Pub. L. 111–281, title III, § 303(b), Oct. 15, 2010, 124 Stat. 2924.)

HISTORICAL AND REVISION NOTES

Revised section 14103

Source: International Convention on Tonnage Measurement of Ships.

Section 14103(a) authorizes the Secretary to delegate to a qualified person the authority to measure a vessel and issue an International Tonnage Certificate or other certificate of measurement. The term ''qualified person'' means an organization that the Secretary believes has the necessary qualifications to measure a vessel competently, such as the American Bureau of Shipping.

The conferees intend that in section 14103 the term ''qualified person'' includes not only organizations that the Secretary finds to be qualified to perform measurement duties, but any person as that term is defined in section 1 of title 1, United States Code (including individuals), that the Secretary determines qualified to perform measurement duties. The House and Senate conferees also agree that, where authorized, in addition to information required by the Secretary, regulatory tonnage should be used on all certificates and documents related to a vessel unless the owner otherwise requests.

Section 14103(b) provides for the appeal to the Secretary of a decision made by a person that has received delegated authority. This ensures that the Secretary has full oversight of delegated tonnage measurement functions.

Section 14103(c) authorizes the Secretary to delegate to a country that is a party to the International Convention on Tonnage Measurement of Ships, 1969, the authority to measure a vessel and issue an International Tonnage Certificate.

Section 14103(d) clarifies the Secretary's authority to revoke at any time and without cause a delegation of authority to measure a vessel or issue a certificate. This authority is given so that no delay occurs administratively in revoking a delegation wherever the Secretary decides a revocation is warranted.

AMENDMENTS

2010—Subsec. (c). Pub. L. 111–281 substituted ''that engages on'' for ''intended to be engaged on''.

§ 14104. Measurement to determine application of a law

(a) When the application of a law of the United States to a vessel depends on the vessel's tonnage, the vessel shall be measured under this part.

(b) If a statute allows for an alternate tonnage to be prescribed under this section, the Secretary may prescribe it by regulation. Any such regulation shall be considered to be an interpretive regulation for purposes of section 553 of title 5. Until an alternate tonnage is prescribed, the statutorily established tonnage shall apply to vessels measured under chapter 143 or chapter 145 of this title.

(c) The head of each Federal agency shall ensure that regulations issued by the agency that specify particular tonnages comply with the alternate tonnages implemented by the Secretary.

(Pub. L. 99–509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1920; Pub. L. 104–324, title VII, § 702, Oct. 19, 1996, 110 Stat. 3933.)

HISTORICAL AND REVISION NOTES

Revised section 14104

Source: Section (U.S. Code) 46 App. U.S.C. 71.

Section 14104 requires that a vessel be measured under Part J of this subtitle when the application of a U.S. law to the vessel depends on its tonnage.

AMENDMENTS

1996—Pub. L. 104–324 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

CHAPTER 143—CONVENTION MEASUREMENT

Sec.
14301. Application.
14302. Measurement.
14303. Tonnage Certificate.
14304. Remeasurement.
14305. Optional regulatory measurement.
14306. Reciprocity for foreign vessels.
14307. Inspection of foreign vessels.

HISTORICAL AND REVISION NOTES

Chapter 143 provides implementing legislation for the International Convention on Tonnage Measurement of