(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 Repealed.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

Ships (Convention) which came into effect in the United States on February 10, 1983. Chapter 143, therefore, is based primarily on the Convention, not on provisions in existing U.S. law.

AMENDMENTS

2010—Pub. L. 111–281, title III, § 303(e)(3), Oct. 15, 2010, 124 Stat. 2925, substituted ''Tonnage Certificate'' for ''International Tonnage Certificate (1969)'' in item 14303.

§ 14301. Application

(a) Except as otherwise provided in this section, this chapter applies to any vessel for which the application of an international agreement or other law of the United States to the vessel depends on the vessel's tonnage.

(b) This chapter does not apply to the following:

(1) a vessel of war, unless the government of the country to which the vessel belongs elects to measure the vessel under this chapter.

(2) a vessel of less than 24 meters (79 feet) overall in length.

(3) a vessel of United States or Canadian registry or nationality, or a vessel operated under the authority of the United States or Canada, and that is operating only on the Great Lakes, unless the owner requests.

(4) a vessel of United States registry or nationality, or one operated under the authority of the United States (except a vessel that engages on a foreign voyage) the keel of which was laid or that was at a similar stage of construction before January 1, 1986, unless—

(A) the owner requests; or

(B) the vessel undergoes a change that the Secretary finds substantially affects the vessel's gross tonnage.

(5) a barge of United States registry or nationality, or a barge operated under the authority of the United States (except a barge that engages on a foreign voyage) unless the owner requests.

(c) An existing vessel that has not undergone a change that the Secretary finds substantially affects the vessel's gross tonnage (or a vessel to which IMO Resolutions A.494 (XII) of November 19, 1981, A.540 (XIII) of November 17, 1983, or A.541 (XIII) of November 17, 1983, apply) may retain its tonnages existing on July 18, 1994, for the application of relevant requirements under international agreements (except the Convention) and other laws of the United States. However, if the vessel undergoes a change substantially affecting its tonnage after July 18, 1994, the vessel shall be remeasured under this chapter.

(d) This chapter does not affect an international agreement to which the United States Government is a party that is not in conflict with the Convention or the application of IMO Resolutions A.494 (XII) of November 19, 1981, A.540 (XIII) of November 17, 1983, and A.541 (XIII) of November 17, 1983.

(Pub. L. 99–509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1920; Pub. L. 101–595, title III, § 305, Nov. 16, 1990, 104 Stat. 2985; Pub. L. 111–281, title III, § 303(c), Oct. 15, 2010, 124 Stat. 2924.)

HISTORICAL AND REVISION NOTES

Revised section 14301

Source: International Convention on Tonnage Measurement of Ships.

Section 14301 delineates which vessels must be measured in compliance with the standards of the Convention.

Section 14301(a) provides that a vessel must be measured under the standards of the Convention if it is documented or required by law to be documented under chapter 121 of this subtitle or if it is engaged on a foreign voyage, unless the vessel is specifically exempted under section 14301(b).

Section 14301(b) provides the following exemptions from the requirement in section 14301(a) to be measured under the Convention:

1. A vessel of war;
2. A vessel of less than 24 meters (79 feet) overall in length (''overall in length'' is defined in section 2101);
3. A vessel that operates only on the Great Lakes (although the owner may request that it be measured under the Convention);
4. A vessel whose keel was laid or was at a similar stage of construction before January 1, 1986, and is on a domestic voyage, unless the vessel undergoes a change that significantly changes its tonnage or the owner requests that the vessel be measured under the Convention; and
5. A vessel whose keel was laid or was at a similar stage of construction before July 18, 1982, unless the vessel undergoes a change that significantly changes the vessel's tonnage or the owner requests that the vessel be measured under the Convention.

Together, subsections (b)(4) and (5) provide that, unless the owner requests measurement under the Convention, unaltered vessels built before 1986 engaging only on domestic voyages do not have to be measured under the Convention or use Convention measurement for the application of any domestic laws. Further, these subsections provide that unaltered vessels that are built before July 18, 1982, engaging on foreign voyages do not have to be measured under the Convention until 1994 and are not required to use Convention measurement as a basis for the application of any domestic laws.

Section 14301(c) provides that if a vessel owner requests that the vessel be measured under the Convention, the vessel may only be remeasured under the Convention.

Section 14301(d) provides that after July 18, 1994, a vessel whose keel was laid or was at a similar stage of construction before July 18, 1982 may retain its regulatory tonnage for the application of requirements under U.S. laws or international agreements, except the International Convention on Tonnage Measurement of Ships. However, if the vessel was not required to be measured under the Convention, but the vessel's owner requested that the vessel be measured under the Convention system before July 19, 1994, or if the vessel undergoes a change affecting its tonnage, the vessel may not use its regulatory tonnage for the application of U.S. laws or international agreements after July 19, 1994.

Section 14301(e) provides that this chapter does not affect any international agreement to which the United States is a party that is not in conflict with the International Convention on Tonnage Measurement of Ships, 1969. It further provides that this chapter does not affect the application of the three interim schemes of the International Maritime Organization, which are discussed under section 14305 below.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111–281, § 303(c)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''Except as otherwise provided in this section, this chapter applies to the following:

''(1) a documented vessel.

''(2) a vessel that is to be documented under chapter 121 of this title.