

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 597; Pub. L. 98-369, div. A, title X, §1011(g), July 18, 1984, 98 Stat. 1013.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
13109	46:1481

Section 13109 authorizes the Secretary to consult with State and local governments, public and private agencies, and any other persons that have an interest in boating safety.

This section also authorizes the Secretary to advise and assist the States and other public and private agencies in the planning and carrying out of their boating safety and facilities improvement programs.

AMENDMENTS

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

Subsec. (b). Pub. L. 98-369 struck out “and facilities improvement” after “and carrying out boating safety”.

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.

§ 13110. National Boating Safety Advisory Council

(a) The Secretary shall establish a National Boating Safety Advisory Council. The Council shall consist of 21 members appointed by the Secretary, whom the Secretary considers to have a particular expertise, knowledge, and experience in recreational boating safety.

(b)(1) The membership of the Council shall consist of—

(A) 7 representatives of State officials responsible for State boating safety programs;

(B) 7 representatives of recreational vessel manufacturers and associated equipment manufacturers; and

(C) 7 representatives of national recreational boating organizations and from the general public, at least 5 of whom shall be representatives of national recreational boating organizations.

(2) Additional individuals from the sources referred to in paragraph (1) of this subsection may be appointed to panels of the Council to assist the Council in performing its duties.

(3) At least once a year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Council.

(c) In addition to the consultation required by section 4302 of this title, the Secretary shall consult with the Council on other major boating safety matters related to this chapter. The Council may make available to Congress information, advice, and recommendations that the Council is authorized to give to the Secretary.

(d) When serving away from home or regular place of business, the member may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5 for individuals employed intermittently in the Government service. A payment under this section does not make a member of the Council an officer or employee of the United States Government for any purpose.

(e) The Council shall terminate on September 30, 2020.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 598; Pub. L. 99-626, §3(a)(1), (b)(1), (2), Nov. 7, 1986, 100 Stat. 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

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
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