

(f) NOTICE OF DEFECTIVE CONTAINER TO COUNTRY ISSUING SAFETY APPROVAL PLATE.—If the Secretary has reason to believe that a container bearing a safety approval plate issued by another country was defective at the time of approval, the Secretary shall notify that country. (Pub. L. 109-304, §11, Oct. 6, 2006, 120 Stat. 1695.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
80505	46 App.:1504.	Pub. L. 95-208, §5, Dec. 13, 1977, 91 Stat. 1477; Pub. L. 97-249, §1(2), Sept. 8, 1982, 96 Stat. 708.

In subsection (a), before paragraph (1), the words “On and after the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention” are omitted as obsolete. The words “and regulations prescribed under this chapter” are added for clarity. In paragraph (1), the words “new . . . and existing containers which are subject to this chapter” are omitted as obsolete. Paragraphs (2) and (3) are substituted for “test, inspect, and approve designs for new containers and new containers being manufactured” to eliminate unnecessary words. In paragraph (4), before subparagraph (A), the words “is subject to this chapter” are omitted as unnecessary. In subparagraph (A), the word “valid” is omitted as unnecessary. In paragraph (5), the words “or regulations prescribed under this chapter” are added for consistency. In paragraph (6), the word “valid” is omitted as unnecessary.

In subsection (b)(3), the words “appropriation for the operating expenses of the Coast Guard” are substituted for “appropriations bearing the cost thereof” for clarity.

In subsection (d)(2), the word “reasonably” is omitted as unnecessary.

In subsection (e), the words “which first occurs” are omitted as unnecessary. In paragraph (1), the words “the Secretary declares” are substituted for “is declared by the Secretary, or under regulations promulgated by the Secretary” to eliminate unnecessary words.

§ 80506. Delegation of authority

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating may delegate to any person, including a public or private agency or nonprofit organization, authority to grant initial approval for containers and designs and to attach safety approval plates.

(b) REGULATIONS.—Before making a delegation under this section, the Secretary shall prescribe regulations establishing—

- (1) criteria to be followed in selecting a person to whom authority is to be delegated;
- (2) a detailed description of the duties and powers to be carried out by the person to whom authority is delegated, including the records the person shall keep; and
- (3) the review the Secretary will conduct to decide whether the person is carrying out the delegated duties and powers properly.

(c) INSPECTION OF RECORDS.—A person delegated authority under this section shall make available to the Secretary for inspection, on request, records the person is required to keep.

(d) PENALTIES AND ORDERS.—A person delegated authority under this section may not—

- (1) assess or collect, or attempt to assess or collect, a penalty for violation of the Conven-

tion, this chapter, or an order issued by the Secretary under this chapter; or

- (2) issue or attempt to issue a detention or other order.

(e) PUBLICATION.—The Secretary shall publish in the Federal Register or other appropriate publication—

- (1) the name and address of each person to whom authority is delegated;
- (2) the duties and powers delegated; and
- (3) the period of the delegation.

(f) REVOCATION.—The Secretary may revoke a delegation of authority under this section at any time.

(Pub. L. 109-304, §11, Oct. 6, 2006, 120 Stat. 1696.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
80506	46 App.:1503(c)(2), (d).	Pub. L. 95-208, §4(c)(2), (d), Dec. 13, 1977, 91 Stat. 1477.

Subsections (a) and (f) are substituted for 46 App. U.S.C. 1503(c)(2) and (d) (1st sentence) to improve the organization of the section.

In subsection (b)(1), the words “person to whom authority is to be delegated” are substituted for “person, public or private agency, or nonprofit organization as a recipient of delegated functions under such subsection” to eliminate unnecessary words.

Subsection (b)(2) is substituted for “the manner in which such recipient shall carry out such delegated functions, including the records such recipient must keep, and a detailed description of the exact functions such recipient may exercise” to eliminate unnecessary words.

Subsections (c)–(e) are substituted for 46 App. U.S.C. 1503(d) (last par.) to improve the organization of the section and to eliminate unnecessary words.

§ 80507. Employee protection

(a) PROHIBITION.—A person may not discharge or discriminate against an employee because the employee has reported the existence of an unsafe container or a violation of this chapter or a regulation prescribed under this chapter.

(b) COMPLAINTS.—An employee alleging to have been discharged or discriminated against in violation of subsection (a) may file a complaint with the Secretary of Labor. The complaint must be filed within 60 days after the violation.

(c) ENFORCEMENT.—The Secretary of Labor may investigate the complaint. If the Secretary of Labor finds there has been a violation, the Secretary of Labor may bring a civil action in an appropriate district court of the United States. The court has jurisdiction to restrain violations of subsection (a) and order appropriate relief, including reinstatement of the employee to the employee’s former position with back pay.

(d) NOTICE TO COMPLAINANT.—Within 30 days after receiving a complaint under this section, the Secretary of Labor shall notify the complainant of the intended action on the complaint.

(Pub. L. 109-304, §11, Oct. 6, 2006, 120 Stat. 1697.)