

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
13108 .....	46:1480

Section 13108 sets forth the manner that the Secretary shall compute the amounts to be allocated to the States, State record requirements, and authority for the General Accounting Office to review the records when conducting audits.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-304 substituted “section 13104” for “section 13103” in introductory provisions and “section 13106” for “section 13105” in par. (1).

1996—Subsec. (a)(1). Pub. L. 104-324 substituted “preceding” for “proceeding” and “Secretary” for “Secretary”.

1990—Subsec. (a)(1). Pub. L. 101-595 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “During the last quarter of a fiscal year and on the basis of computations made under section 13105 of this title and submitted by the States, the Secretary shall determine the percentage of the amounts available for the next fiscal year to which each eligible State is entitled.”

1984—Subsec. (c)(1), (2). Pub. L. 98-369 struck out “and facilities improvement” after “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.

§ 13109. Consultation, cooperation, and regulation

(a) In carrying out responsibilities under this chapter, the Secretary may consult with State and local governments, public and private agencies, organizations and committees, private industry, and other persons having an interest in boating safety.

(b) The Secretary may advise, assist, and cooperate with the States and other interested public and private agencies in planning, developing, and carrying out boating safety programs. Acting under section 141<sup>1</sup> of title 14, the Secretary shall ensure the fullest cooperation between the State and United States Government authorities in promoting boating safety by making agreements and other arrangements with States when possible. Subject to chapter 23<sup>1</sup> of title 14, the Secretary may make available, on request of a State, the services of members of the Coast Guard Auxiliary to assist the State in promoting boating safety on State waters.

(c) The Secretary may prescribe regulations to carry out this chapter.

(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.

<sup>1</sup> See References in Text note below.

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.

REFERENCES IN TEXT

Section 141 of title 14, referred to in subsec. (b), was redesignated section 701 of title 14 by Pub. L. 115-282, title I, §106(b), Dec. 4, 2018, 132 Stat. 4203, and references to section 141 of title 14 deemed to refer to such redesignated section, see section 123(b)(1) of Pub. L. 115-282, set out as a References to Sections of Title 14 as Redesignated by Pub. L. 115-282 note preceding section 101 of Title 14, Coast Guard.

Chapter 23 of title 14, referred to in subsec. (b), was comprised of sections 821 to 832 prior to the renumbering of such sections as sections 3901 to 3913, respectively, of title 14 by Pub. L. 115-282, title I, §119(b), Dec. 4, 2018, 132 Stat. 4236. After renumbering, such sections now comprise chapter 39 of Title 14.

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. Repealed. Pub. L. 115-282, title VI, § 601(c)(4)(A), Dec. 4, 2018, 132 Stat. 4289]

Section, 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, established the National Boating Safety Advisory Council. See section 15105 of this title.

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 re-

lated 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