

§ 9305. Agreements with Canada

To provide for a coordinated system of pilotage service on the Great Lakes, the Secretary, subject to the concurrence of the Secretary of State, may make agreements with the appropriate agency of Canada to—

- (1) fix the number of pilots to be registered in each country;
(2) provide for participation on an equitable basis;
(3) prescribe joint or identical rates and charges;
(4) coordinate pool operations; and
(5) establish conditions for services by registered pilots.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 559.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 9305: 46:216b(d), 46:216d

Section 9305 authorizes the Secretary of Transportation, subject to the concurrence of the Secretary of State, to make agreements with Canada for a coordinated system of pilotage service on the Great Lakes. The agreements may fix the number of registered pilots, provide for equitable participation, prescribe rates and charges, coordinate pool operations, and establish conditions for service.

§ 9306. State regulation prohibited

A State or political subdivision of a State may not regulate or impose any requirement on pilotage on the Great Lakes.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 559.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 9306: 46:216g

Section 9306 prohibits State or local regulations of pilotage on the Great Lakes and is part of the exception provided by law envisioned under section 8501(a).

§ 9307. Great Lakes Pilotage Advisory Committee

(a) The Secretary shall establish a Great Lakes Pilotage Advisory Committee. The Committee—

- (1) may review proposed Great Lakes pilotage regulations and policies and make recommendations to the Secretary that the Committee considers appropriate;
(2) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to Great Lakes pilotage;
(3) may make available to the Congress recommendations that the Committee makes to the Secretary; and
(4) shall meet at the call of—
(A) the Secretary, who shall call such a meeting at least once during each calendar year; or
(B) a majority of the Committee.

(b)(1) The Committee shall consist of 8 members appointed by the Secretary in accordance with this subsection, each of whom has at least 5 years practical experience in maritime operations. The term of each member is for a period

of not more than 5 years, specified by the Secretary. Before filling a position on the Committee, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Committee.

(2) The membership of the Committee shall include—

- (A) the President of each of the 3 Great Lakes pilotage districts, or the President's representative;
(B) one member chosen from among nominations made by vessel operators that contract for Great Lakes pilotage services;
(C) one member chosen from among nominations made by Great Lakes port authorities and marine terminals;
(D) one member chosen from among nominations made by shippers whose cargoes are transported through Great Lakes ports;
(E) one member chosen from among nominations made by Great Lakes maritime labor organizations; and
(F) a member who—

- (i) must have been recommended to the Secretary by a unanimous vote of the other members of the Committee, and
(ii) may be appointed without regard to requirement in paragraph (1) that each member have 5 years of practical experience in maritime operations.

(c)(1) The Committee shall elect one of its members as the Chairman and one of its members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman, or in the event of a vacancy in the office of the Chairman.

(2) The Secretary shall, and any other interested agency may, designate a representative to participate as an observer with the Committee. The Secretary's designated representative shall act as the executive secretary of the Committee and shall perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

(d)(1) The Secretary shall, whenever practicable, consult with the Committee before taking any significant action relating to Great Lakes pilotage.

(2) The Secretary shall consider the information, advice, and recommendations of the Committee in formulating policy regarding matters affecting Great Lakes pilotage.

(3) Any recommendations to the Secretary under subsection (a)(2) must have been approved by at least all but one of the members then serving on the committee.

(e)(1) A member of the Committee, when attending meetings of the Committee or when otherwise engaged in the business of the Committee, is entitled to receive—

- (A) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS-18 of the General Schedule under section 5332 of title 5 including travel time; and
(B) travel or transportation expenses under section 5703 of title 5, United States Code.

(2) A member of the Committee shall not be considered to be an officer or employee of the United States for any purpose based on their receipt of any payment under this subsection.

(f)(1) The Federal Advisory Committee Act (5 U.S.C. App.) applies to the Committee, except that the Committee terminates on September 30, 2030.

(2) 2 years before the termination date set forth in paragraph (1) of this subsection, the Committee shall submit to the Congress its recommendation regarding whether the Committee should be renewed and continued beyond the termination date.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 559; Pub. L. 105–383, title III, §303, Nov. 13, 1998, 112 Stat. 3418; Pub. L. 106–554, §1(a)(4) [div. A, §1118], Dec. 21, 2000, 114 Stat. 2763, 2763A–209; Pub. L. 108–293, title IV, §418(d), Aug. 9, 2004, 118 Stat. 1049; Pub. L. 109–304, §15(23), Oct. 6, 2006, 120 Stat. 1704; Pub. L. 111–281, title VI, §621(a), Oct. 15, 2010, 124 Stat. 2976; Pub. L. 116–283, div. G, title LVXXXIII [LXXXIII], §8334(a), Jan. 1, 2021, 134 Stat. 4705.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9307 .....	46:216h

Section 9307 permits the Secretary to establish a Great Lakes Pilotage Advisory Committee. This Committee is to be established consistent with the Federal Advisory Committee Act (P.L. 92–463; 5 App. U.S.C.) and with the requirements imposed by section 19 [118(e)] of P.L. 97–322 (14 U.S.C. 631 note).

Subsection (a) authorizes the Committee to review and make recommendations on Great Lakes pilotage regulation and policies and to make the recommendations available to Congress and requires the Committee to meet at the call of the Secretary.

Subsection (b) establishes the membership of the Committee as 3 members with 5 years of practical maritime experience appointed by the Secretary for a term of not more than 5 years. A Federal Register notice of solicitation for membership nominations for filling a position is required.

Subsection (c) provides for pay and travel expenses, including per diem, for the members.

Editorial Notes

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsections (c)(2) and (f)(1), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2021—Subsec. (b)(1). Pub. L. 116–283, §8334(a)(1)(A), substituted “8 members” for “seven members”.

Subsec. (b)(2)(B). Pub. L. 116–283, §8334(a)(1)(B)(i), substituted “chosen from among nominations made by” for “representing the interests of”.

Subsec. (b)(2)(C). Pub. L. 116–283, §8334(a)(1)(B)(ii), substituted “chosen from among nominations made by Great Lakes port authorities and marine terminals” for “representing the interests of Great Lakes ports”.

Subsec. (b)(2)(D). Pub. L. 116–283, §8334(a)(1)(B)(iii)(I), substituted “chosen from among nominations made by” for “representing the interests of” and “ports;” for “ports; and”.

Subsec. (b)(2)(E). Pub. L. 116–283, §8334(a)(1)(B)(v), added subpar. (E). Former subpar. (E) redesignated (F).

Subsec. (b)(2)(F). Pub. L. 116–283, §8334(a)(1)(B)(iv), (vi), redesignated subpar. (E) as (F) and struck out “with a background in finance or accounting,” after “a member” in introductory provisions.

Subsec. (f)(1). Pub. L. 116–283, §8334(a)(2), substituted “2030” for “2020”.

2010—Subsec. (f)(1). Pub. L. 111–281 substituted “September 30, 2020” for “September 30, 2010”.

2006—Subsec. (b)(2)(A). Pub. L. 109–304 substituted “the President” for “The President”.

2004—Subsec. (f)(1). Pub. L. 108–293 substituted “September 30, 2010” for “September 30, 2005”.

2000—Subsec. (b)(2)(A). Pub. L. 106–554, §1(a)(4) [div. A, §1118(1)], amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “three members who are practicing Great Lakes pilots and who reflect a regional balance;”.

Subsec. (b)(2)(E). Pub. L. 106–554, §1(a)(4) [div. A, §1118(2)], amended subpar. (E) generally. Prior to amendment, subpar. (E) read as follows: “one member representing the interests of the general public, who is an independent expert on the Great Lakes maritime industry.”

Subsec. (c)(2). Pub. L. 106–554, §1(a)(4) [div. A, §1118(3)], which directed the striking out of second sentence in subsec. (C)(2), was executed by striking out the second sentence in subsec. (c)(2), “The representatives shall, as appropriate, report to and advise the Committee on matters relating to Great Lakes pilotage.”, to reflect the probable intent of Congress.

Subsec. (d)(3). Pub. L. 106–554, §1(a)(4) [div. A, §1118(4)], added par. (3).

Subsec. (f)(1). Pub. L. 106–554, §1(a)(4) [div. A, §1118(5)], substituted “September 30, 2005” for “September 30, 2003”.

1998—Pub. L. 105–383 amended section generally, substituting provisions consisting of subsections (a) to (f) for former provisions consisting of subsections (a) to (c).

Statutory Notes and Related Subsidiaries

CONSTRUCTION OF 2021 AMENDMENT

Pub. L. 116–283, div. G, title LVXXXIII [LXXXIII], §8334(b), Jan. 1, 2021, 134 Stat. 4706, provided that: “Notwithstanding section 9307(f)(1) of title 46, United States Code, in any case in which the date of enactment of this Act [Jan. 1, 2021] occurs after September 30, 2020, the Great Lakes Pilotage Advisory Committee in existence as of September 30, 2020, shall be deemed not expired during the period beginning on September 30, 2020 through the date of enactment of this Act. Accordingly, the committee membership, charter, and the activities of such Committee shall continue as though such Committee had not expired.”

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.

§ 9308. Penalties

(a) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel knowingly allowing the vessel to be operated in violation of section 9302 of this title is liable to the United States Government for a civil penalty of no more than \$10,000 for each day during which the vessel is in violation. The vessel also is liable in rem for the penalty.

(b) An individual who directs the navigation of a vessel in violation of section 9302 of this title is liable to the Government for a civil penalty of no more than \$10,000 for each day during which the violation occurs.

(c) A person violating a regulation prescribed under section 9303 of this title is liable to the Government for a civil penalty of no more than \$10,000.