

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”.

Statutory Notes and Related Subsidiaries

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 Repealed.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	Repealed.]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.

Editorial Notes

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.

Editorial Notes

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.

Editorial Notes

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.

Editorial Notes

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.

Editorial Notes

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 Con-

vention 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.

Editorial Notes

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.

"(3) a vessel engaged on a foreign voyage."

Subsec. (b)(1). Pub. L. 111-281, § 303(c)(2)(A), substituted ", unless the government of the country to which the vessel belongs elects to measure the vessel under this chapter." for period at end.

Subsec. (b)(3). Pub. L. 111-281, § 303(c)(2)(B), inserted "of United States or Canadian registry or nationality, or a vessel operated under the authority of the United States or Canada, and that is" after "a vessel".

Subsec. (b)(4). Pub. L. 111-281, § 303(c)(2)(C), substituted "a vessel of United States registry or nationality, or one operated under the authority of the United States (except a vessel that engages" for "a vessel (except a vessel engaged)".

Subsec. (b)(5). Pub. L. 111-281, § 303(c)(2)(F), amended par. (5) generally. Prior to amendment, par. (5) read as follows: "a barge (except a barge engaged on a foreign voyage) unless the owner requests."

Pub. L. 111-281, § 303(c)(2)(D), (E), redesignated par. (6) as (5) and struck out former par. (5) which read as follows: "before July 19, 1994, an existing vessel unless—

"(A) the owner requests; or

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

Subsec. (b)(6). Pub. L. 111-281, § 303(c)(2)(E), redesignated par. (6) as (5). Former par. (5) struck out.

Subsec. (c). Pub. L. 111-281, § 303(c)(5), substituted "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)" for "After July 18, 1994, an existing vessel (except an existing vessel referred to in subsection (b)(5)(A) or (B) of this section)".

Pub. L. 111-281, § 303(c)(3), (4), redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: "A vessel made subject to this chapter at the request of the owner may be remeasured only as provided by this chapter."

Subsecs. (d), (e). Pub. L. 111-281, § 303(c)(4), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

1990—Subsec. (b)(6). Pub. L. 101-595 added par. (6).

Statutory Notes and Related Subsidiaries

REPORT TO CONGRESS

Pub. L. 99-509, title V, § 5103(g), Oct. 21, 1986, 100 Stat. 1927, provided that: "The Secretary of Transportation shall—

"(1) before July 19, 1990, submit to Congress—

"(A) a study of—

"(i) the impact of applying vessel tonnage determined under chapter 143 of title 46 (as enacted

by section 5101 of this subtitle), United States Code, in laws of the United States that contain provisions based on tonnage, including an analysis of the number and types of vessels that would become subject to additional laws or more stringent requirements because of that application; and

“(ii) the extent to which the tonnage thresholds in laws of the United States whose application is based on tonnage would have to be raised so that additional vessels would not become subject to those laws if their application is based on tonnage determined under chapter 143; and

“(B) a recommendation of the levels to which the tonnage thresholds in laws of the United States whose application is based on tonnage should be raised if a complete conversion to the International Convention measurement system under chapter 143 is made;

“(2) in conducting the study under clause (1) of this subsection, consult with representatives of the private sector having experience with the operation of vessels likely to be affected by laws of the United States whose application is based on tonnage; and

“(3) before July 19, 1988, submit to Congress an interim progress report on the study conducted under clause (1) of this subsection.”

§ 14302. Measurement

(a) The Secretary shall measure a vessel to which this chapter applies in the way provided by this chapter and the Convention.

(b) A vessel measured under this chapter may not be required to be measured under another law.

(c) Unless otherwise provided by law, the measurement of a vessel under this chapter applies to a law of the United States whose applicability depends on a vessel's tonnage, if that law—

(1) becomes effective after July 18, 1994; or

(2) is in effect before July 19, 1994, is not enumerated in section 14305 of this title, and is identified by the Secretary by regulation as a law to which this chapter applies.

(Pub. L. 99-509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1921; Pub. L. 111-281, title III, § 303(d), Oct. 15, 2010, 124 Stat. 2924.)

HISTORICAL AND REVISION NOTES

Revised section 14302

Source: International Convention on Tonnage Measurement of Ships.

Section 14302(a) requires the Secretary to measure a vessel to which this chapter applies, in the way provided by this chapter and by the Convention. Section 14302(b) provides that a vessel that is required to be measured under this chapter can not also be required to be measured under another law. The exception allows the Panama Canal Commission to continue to use the Canal measurement system for calculation of tolls. Section 14302(c) provides that the applicability of tonnage-based laws that become effective after July 18, 1994, will be based on Convention tonnage measurements. The applicability of tonnage-based laws in effect before July 19, 1994, which are listed by the Secretary, will also be based on Convention tonnage. Therefore, the laws that will be based on regulatory tonnage are those not listed by the Secretary by regulation and those listed in section 14305 of this legislation.

Editorial Notes

AMENDMENTS

2010—Subsec. (b). Pub. L. 111-281 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as fol-

lows: “Except as provided in section 1602(a) of the Panama Canal Act of 1979 (22 U.S.C. 3792(a)), a vessel measured under this chapter may not be required to be measured under another law.”

§ 14303. Tonnage Certificate

(a) After measuring a vessel under this chapter, the Secretary shall issue, on request of the owner, an International Tonnage Certificate (1969) and deliver it to the owner or master of the vessel. For a vessel to which the Convention does not apply, the Secretary shall prescribe a certificate to be issued as evidence of a vessel's measurement under this chapter.

(b) The certificate issued under this section shall be maintained as required by the Secretary.

(Pub. L. 99-509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1921; Pub. L. 111-281, title III, § 303(e)(1), Oct. 15, 2010, 124 Stat. 2925.)

HISTORICAL AND REVISION NOTES

Revised section 14303

Source: International Convention on Tonnage Measurement of Ships.

Section 14303(a) requires the Secretary to issue, on the request of the owner, an International Tonnage Certificate after measuring a vessel under this chapter. Section 14303(b) requires that the certificate be maintained as required by the Secretary.

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-281, § 303(e)(1)(C), struck out “International” before “Tonnage” and “(1969)” after “Certificate” in section catchline.

Subsec. (a). Pub. L. 111-281, § 303(e)(1)(A), inserted at end “For a vessel to which the Convention does not apply, the Secretary shall prescribe a certificate to be issued as evidence of a vessel's measurement under this chapter.”

Subsec. (b). Pub. L. 111-281, § 303(e)(1)(B), inserted “issued under this section” after “The certificate”.

§ 14304. Remeasurement

(a) To the extent necessary, the Secretary shall remeasure a vessel to which this chapter applies if—

(1) the Secretary or the owner alleges an error in its measurement; or

(2) the vessel or the use of its space is changed in a way that substantially affects its tonnage.

(b) Except as provided in this chapter or section 14504 of this title, a vessel that has been measured does not have to be remeasured to obtain another document or endorsement under chapter 121 of this title.

(Pub. L. 99-509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1921.)

HISTORICAL AND REVISION NOTES

Revised section 14304

Source: International Convention on Tonnage Measurement of Ships.

Section 14304(a) requires the Secretary to remeasure a vessel, to the extent necessary, if there is an alleged error regarding its measurement or if the vessel or its use undergoes a change substantially affecting its tonnage. The phrase “to the extent necessary” was included to indicate that a complete remeasurement of

the vessel may not be necessary if, for example, an error was made in one portion of the vessel's measurement and only that portion needs to be remeasured.

Section 14304(b) provides that except as provided in section 14504, a vessel that has been measured does not have to be remeasured to obtain another document or endorsement under chapter 121 of this title.

§ 14305. Optional regulatory measurement

(a) On request of the owner of a vessel measured under this chapter that is of United States registry or nationality, or a vessel operated under the authority of the United States, the Secretary also shall measure the vessel under chapter 145 of this title. The tonnages determined under that chapter shall be used in applying—

(1) parts A, B, C, E, F, and G of this subtitle and section 12116 of this title;

(2) section 3(d)(3) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 903(d)(3));

(3) section 4 of the Bridge to Bridge Radio-telephone Act (33 U.S.C. 1203(a));

(4) section 4(a)(3)¹ of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(3));

(5) section 30524 of this title;

(6) sections 12118 and 12132 of this title;

(7) section 12139(b) of this title;

(8) sections 351, 352, 355, and 356 of the Ship Radio Act (47 U.S.C. 351, 352, 354, and 354a);

(9) section 403 of the Commercial Fishing Industry Vessel Act (46 U.S.C. 3302 note);

(10) the Officers' Competency Certificates Convention, 1936, and section 8304 of this title;

(11) the International Convention for the Safety of Life at Sea as provided by IMCO Resolution A.494 (XII) of November 19, 1981;

(12) the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978, as provided by IMO Resolution A.540 (XIII) of November 17, 1983;

(13) the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, as provided by IMO Resolution A.541 (XIII) of November 17, 1983;

(14) provisions of law establishing the threshold tonnage levels at which evidence of financial responsibility must be demonstrated; or

(15) unless otherwise provided by law, any other law of the United States in effect before July 19, 1994, and not listed by the Secretary under section 14302(c) of this title.

(b) As long as the owner of a vessel has a request in effect under subsection (a) of this section, the tonnages determined under that request shall be used in applying the other provisions of law described in subsection (a) to that vessel.

(Pub. L. 99-509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1921; Pub. L. 109-304, § 15(26), Oct. 6, 2006, 120 Stat. 1704; Pub. L. 111-281, title III, § 303(f), Oct. 15, 2010, 124 Stat. 2925; Pub. L. 116-283, div.

G, title LVXXXV [LXXXV], § 8503(a)(2), Jan. 1, 2021, 134 Stat. 4747; Pub. L. 117-263, div. K, title CXV, § 11503(f)(1), Dec. 23, 2022, 136 Stat. 4131.)

HISTORICAL AND REVISION NOTES

Revised section 14305

Source: International Convention on Tonnage Measurement of Ships.

Section 14305 requires that the Secretary measure a vessel under chapter 145 (Regulatory Measurement) of this title (in addition to measuring it under the Convention) at the request of the owner. For vessels that have obtained a regulatory tonnage measurement under this section, the Secretary is required to use the regulatory tonnage measurement to determine the application of those laws listed in section 14305(a) and those not listed by the Secretary by regulation, as provided in section 14302(c). It is the intent of the Committee to list in section 14305(a) certain U.S. tonnage-based laws that would impose increased regulatory burdens on industry if the Convention measurement were used for applicability determinations.

Clause (1) of section 14305(a) includes the following parts of subtitle II of title 46, U.S.C.:

Part A: General provisions (including definitions.)

Part B: Inspection and Regulation of Vessels.

Part C: Load Lines, which is enacted as part of this legislation. Although most load line requirements are based on vessel length, and not tonnage, a few requirements are based on tonnage. (It is only the tonnage based requirements to which this provision applies.)

Part E: Licenses, Certificates, and Merchant Mariners' Documents.

Part F: Manning of Vessels.

Part G: Merchant Seamen Protection and Relief.

Part H: Sections 12106(c) and 12108(c) only—Identification of Vessels.

The other U.S. laws listed in clause (2) through (10) of this section are self-explanatory. Clause (10) refers to domestic law as well as the Officers' Competency Certificates Convention, 1936.

In addition, three other international conventions are listed in clauses (11) through (13): (1) the Convention for the Safety of Life at Sea, (2) the Convention on the Standards of Training, Certification, and Watchkeeping for Seafarers, and (3) the Convention for the Prevention of Pollution from Ships. The International Maritime Organization has established interim schemes which address the use of the Convention tonnage measurement system as a basis for the applicability of these three conventions. The applicable sections of those schemes are the following:

The International Convention for the Safety of Life at Sea: IMCO Resolution A.494 (XII) of November 19, 1981 provides "that at the request of a shipowner, the Administration may allow a ship required to be measured under the provisions of the International Convention on Tonnage Measurement of Ships, 1969, to use the gross tonnage measured under the national tonnage rules which are in effect prior to the coming into force of the 1969 Tonnage Convention, for the purpose of application of the provisions of the International Convention for the Safety of Life at Sea, such tonnage, however, shall not be shown on the 1969 Tonnage Certificate." The resolution further provides that "the interim scheme shall not apply to ships the keels of which are laid after 31 December 1985 with the following exceptions:

"(a) In respect of the requirements of Regulation 3 of Chapter IV of the 1974 SOLAS Convention for ships the keels of which are laid before 18 July 1994, the Administration may continue to apply the interim scheme, in which case the above-mentioned entry should be made in the Radio-telephony Certificate only; and

"(b) In respect of the regulations for cargo ships of less than 1,600 tons gross tonnage (as measured under national systems), the keels of which are laid after 31

¹ See References in Text note below.

December 1985, the Administration may continue to apply the interim scheme until 18 July 1984.”

The International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978: IMO Resolution A.540 (XIII) of November 17, 1983, provides “that the revised interim scheme for tonnage measurement for certain ships adopted by resolution A.494 (XII), [described above] should also be applicable in respect of the provision of the International Convention, and Watchkeeping for Seafarers, 1978.”

The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973: IMO Resolution A.541 (XIII) of November 17, 1983, provides that:

At the request of a shipowner, the Administration may allow a ship of less than 400 tons gross tonnage (measured under the previous national tonnage rules) the keel of which is laid on or before 31 December 1985 and which is required to be measured under the provisions of the International Convention on Tonnage Measurement of Ships, 1969, to use the gross tonnage measured under the national tonnage rules which were in effect prior to the coming into force of the 1969 Tonnage Convention, for the purpose of application of the provisions of MARPOL 73/78. Such tonnage, however, shall not be shown on the 1969 Tonnage Certificate.

It further provides that “the interim scheme shall not apply to ships the keels of which are laid after 31 December 1985, except that in respect of regulations for ships of less than 400 tons gross tonnage (as measured under previous national rules), the keels of which are laid after 31 December 1985, the Administration may continue to apply the interim scheme until 18 July 1994.”

Clause (14) provides that the regulatory measurement system may be used to determine which vessels must demonstrate evidence of financial responsibility (when such a demonstration is required by law). If it is determined that a vessel must show evidence of financial responsibility, the limits of financial responsibility are determined using the vessel’s Convention measurement.

Clause (15) provides that the regulatory measurement system may be used for the application of laws not identified by the Secretary under section 14302(c).

Section 14305(b) provides that if a vessel is measured under the regulatory tonnage measurement system for the application of one law listed in subsection (a), it must be measured under that system for the application of all laws listed in subsection (a).

Editorial Notes

REFERENCES IN TEXT

Section 4 of the Bridge to Bridge Radiotelephone Act (33 U.S.C. 1203(a)), referred to in subsec. (a)(3), probably means section 4(a) of the Vessel Bridge-to-Bridge Radiotelephone Act, which is classified to section 1203(a) of Title 33, Navigation and Navigable Waters.

Section 4(a)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(3)), referred to in subsec. (a)(4), is section 4(a)(3) of Pub. L. 92-340, which was classified to section 1223(a)(3) of Title 33, Navigation and Navigable Waters, prior to repeal by Pub. L. 115-282, title IV, §402(e), Dec. 4, 2018, 132 Stat. 4264. See Transitional and Savings Provisions note preceding section 101 of this title and section 70001 of this title.

Sections 351, 352, 355, and 356 of the Ship Radio Act (47 U.S.C. 351, 352, 354, and 354a), referred to in subsec. (a)(8), probably means sections 351, 352, 355, and 356 of the Communications Act of 1934, June 19, 1934, ch. 652, 48 Stat. 1064, which are classified to sections 351, 352, 354, and 354a, respectively, of Title 47, Telecommunications.

The Officers’ Competency Certificates Convention, 1936, referred to in subsec. (a)(10), is set out in 54 Stat. Pt. 2, p. 1683.

For provisions relating to International Conventions for the Safety of Life at Sea, referred to in subsec. (a)(11), to which the United States has been a party, see section 1602 of Title 33, Navigation and Navigable Waters, and notes thereunder.

For provisions relating to the International Convention for the Prevention of Pollution from Ships, as modified, referred to in subsec. (a)(13), see chapter 33 (§1901 et seq.) of Title 33.

AMENDMENTS

2022—Subsec. (a)(5). Pub. L. 117-263 substituted “section 30524” for “section 30506”.

2021—Subsec. (a)(10). Pub. L. 116-283 substituted “section 8304” for “sections 8303 and 8304”.

2010—Subsec. (a). Pub. L. 111-281 substituted “vessel measured under this chapter that is of United States registry or nationality, or a vessel operated under the authority of the United States,” for “documented vessel measured under this chapter,” in introductory provisions.

2006—Subsec. (a)(1). Pub. L. 109-304, §15(26)(A), substituted “of this subtitle and section 12116” for “and sections 12106(c) and 12108(c)”.

Subsec. (a)(5). Pub. L. 109-304, §15(26)(B), substituted “section 30506 of this title” for “section 4283 of the Revised Statutes of the United States (46 App. U.S.C. 183)”.

Subsec. (a)(6). Pub. L. 109-304, §15(26)(C), substituted “sections 12118 and 12132 of this title” for “sections 27 and 27A of the Act of June 5, 1920 (46 App. U.S.C. 883 and 883-1)”.

Subsec. (a)(7). Pub. L. 109-304, §15(26)(D), substituted “section 12139(b) of this title” for “Act of July 14, 1956 (46 App. U.S.C. 883a)”.

§ 14306. Reciprocity for foreign vessels

(a) When the Secretary finds that the laws and regulations of a foreign country related to measurement of vessels are similar to those of this chapter and the regulations prescribed under this chapter, or when a foreign country is a party to the Convention, the Secretary shall accept the measurement and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter.

(b) Subsection (a) of this section does not apply to a vessel of a foreign country that does not recognize measurements under this chapter. The Secretary may apply measurement standards the Secretary considers appropriate to the vessel, subject to applicable international agreements to which the United States Government is a party.

(Pub. L. 99-509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1922.)

HISTORICAL AND REVISION NOTES

Revised section 14306

Source: International Convention on Tonnage Measurement of Ships. Section (U.S. Code) 46 App. U.S.C. 81.

Section 14306(a) requires that the Secretary accept the measurement and certificate of a vessel of a foreign country as evidence of compliance with this chapter when the Secretary finds that the laws and regulations of that foreign country that are related to measurement are similar to those of this chapter, or that that country is a party to the Convention.

Section 14306(b) provides that the Secretary does not have to accept the measurement and certificate of a vessel of a country that does not recognize United States measurements. It also authorizes the Secretary to apply appropriate measurement standards to such foreign vessels, subject to international agreements to which the United States is a party.

§ 14307. Inspection of foreign vessels

(a) The Secretary may inspect a vessel of a foreign country to verify that—

(1) the vessel has an International Tonnage Certificate (1969) and the main characteristics of the vessel correspond to the information in the certificate; or

(2) if the vessel is from a country not a party to the Convention, the vessel has been measured under laws and regulations similar to those of this chapter and the regulations prescribed under this chapter.

(b) For a vessel of a country that is a party to the Convention, if the inspection reveals that the vessel does not have an International Tonnage Certificate (1969) or that the main characteristics of the vessel differ from those stated on the certificate or other records in a way that increases the gross or net tonnage of the vessel, the Secretary promptly shall inform the country whose flag the vessel is flying.

(c) For a vessel of a country not a party to the Convention—

(1) if the vessel has been measured under laws and regulations that the Secretary finds are similar to those of this chapter and the regulations prescribed under this chapter, the vessel shall be deemed to have been issued an International Tonnage Certificate (1969); and

(2) if the vessel has not been measured as described in clause (1) of this subsection, the Secretary may measure the vessel.

(d) An inspection under this section shall be conducted in a way that does not delay a vessel of a country that is a party to the Convention.

(Pub. L. 99-509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1922.)

HISTORICAL AND REVISION NOTES

Revised section 14307

Source: International Convention on Tonnage Measurement of Ships.

Section 14307(a) authorizes the Secretary to inspect a vessel of a foreign country to verify that the vessel has an International Tonnage Certificate and that the main characteristics of the vessel correspond to the information in the certificate. Section 14307(a) also authorizes the Secretary to inspect a vessel from a foreign country that is not a party to the Convention in order to verify that the vessel has been measured under laws and regulations similar to those of this chapter.

Section 14307(b) requires that if the Secretary inspects a vessel of a country that is a party to the Convention and finds that the vessel does not have an International Tonnage Certificate or that the main characteristics of the vessel differ from those stated on the certificate or other records in a way that increases the gross or net tonnage of the vessel, the Secretary must inform the country whose flag the vessel is flying.

Section 14307(c) provides that if the Secretary finds that a vessel of a country not a party to the Convention has been measured under laws and regulations similar to those of this chapter, that the vessel shall be deemed to have been issued an International Tonnage Certificate. It also provides that the Secretary may measure the vessel if the Secretary finds that the vessel has not been measured under laws and regulations similar to those of this chapter.

Section 14307(d) provides that an inspection under this section shall be conducted in a way that does not delay a vessel of a country that is a party to the Convention.

CHAPTER 145—REGULATORY MEASUREMENT

SUBCHAPTER I—GENERAL

Sec.	
14501.	Application.
14502.	Measurement.
14503.	Certificate of measurement.
14504.	Remeasurement.

SUBCHAPTER II—FORMAL SYSTEMS

14511.	Application.
14512.	Standard tonnage measurement.
14513.	Dual tonnage measurement.
14514.	Reciprocity for foreign vessels.

SUBCHAPTER III—SIMPLIFIED SYSTEM

14521.	Application.
14522.	Measurement.

HISTORICAL AND REVISION NOTES

This chapter provides for the measurement of vessels for the purpose of the application of domestic laws.

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-281, title III, § 303(j), Oct. 15, 2010, 124 Stat. 2926, added item 14514.

SUBCHAPTER I—GENERAL

HISTORICAL AND REVISION NOTES

This subchapter contains the general provisions for implementing regulatory measurement systems.

§ 14501. Application

This chapter applies to the following:

(1) A vessel not measured under chapter 143 of this title if the application of an international agreement or other law of the United States to the vessel depends on the vessel's tonnage.

(2) A vessel measured under chapter 143 of this title if the owner requests that the vessel also be measured under this chapter as provided in section 14305 of this title.

(Pub. L. 99-509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1923; Pub. L. 111-281, title III, § 303(g), Oct. 15, 2010, 124 Stat. 2925.)

HISTORICAL AND REVISION NOTES

Revised section 14501

Source: Section (U.S. Code) 46 App. U.S.C. 71.

Section 14501 delineates the vessels that must be measured under this chapter, i.e. under the regulatory tonnage measurement system. Section 14501(1) states that a vessel must be measured under this chapter if the vessel has not been measured under the International Convention on Tonnage Measurement of Ships, and if the vessel is to be documented as a vessel of the United States under chapter 121 of this subtitle, or if the application of a United States law depends on the vessel's tonnage. Section 14501(2) states that a vessel must be measured under the regulatory measurement system if the owner requests.

Editorial Notes

AMENDMENTS

2010—Par. (1). Pub. L. 111-281, § 303(g)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "a vessel not measured under chapter 143 of this title if—

“(A) the vessel is to be documented under chapter 121 of this title; or

“(B) the application of a law of the United States to the vessel depends on the vessel’s tonnage.”

Par. (2). Pub. L. 111–281, §303(g)(2), substituted “A vessel” for “a vessel”.

§ 14502. Measurement

The Secretary shall measure a vessel to which this chapter applies in the way provided by this chapter.

(Pub. L. 99–509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1923.)

HISTORICAL AND REVISION NOTES

Revised section 14502

Source: Section (U.S. Code) 46 App. U.S.C. 71, 77, 83.

Section 14502 requires the Secretary to measure a vessel to which this chapter applies as provided by this chapter.

§ 14503. Certificate of measurement

(a) The Secretary shall prescribe the certificate to be issued as evidence of a vessel’s measurement under this chapter.

(b) The certificate shall be maintained as required by the Secretary.

(Pub. L. 99–509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1923; Pub. L. 111–281, title III, §303(e)(2), Oct. 15, 2010, 124 Stat. 2925.)

HISTORICAL AND REVISION NOTES

Revised section 14503

Source: Section (U.S. Code) 46 App. U.S.C. 72.

Section 14503 requires the Secretary to issue a certificate, in a manner that is to be prescribed by the Secretary, as evidence of a vessel’s regulatory measurement.

Editorial Notes

AMENDMENTS

2010—Pub. L. 111–281 designated existing provisions as subsec. (a) and added subsec. (b).

§ 14504. Remeasurement

(a) To the extent necessary, the Secretary shall remeasure a vessel to which this chapter applies if—

(1) the Secretary or the owner alleges an error in its measurement;

(2) the vessel or the use of its space is changed in a way that substantially affects its tonnage;

(3) after being measured under subchapter III of this chapter, the vessel becomes subject to subchapter II of this chapter because the vessel or its use is changed; or

(4) although not required to be measured under subchapter II of this chapter, the vessel was measured under subchapter II and the owner requests that the vessel be measured under subchapter III of this chapter.

(b) Except as provided in this section and chapter 143 of this title, a vessel that has been measured does not have to be remeasured to obtain another document or endorsement under chapter 121 of this title.

(Pub. L. 99–509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1923.)

HISTORICAL AND REVISION NOTES

Revised section 14504

Source: Section (U.S. Code) 46 App. U.S.C. 71.

Section 14504(a) provides that the Secretary shall remeasure a vessel that has been measured under the regulatory measurement system if either the Secretary or the owner alleges an error in its measurement; if the vessel, or its use, undergoes a substantial change affecting its tonnage; if the vessel loses its eligibility for measurement under the simplified system because of a change in the vessel or its use; or if the vessel owner requests that the vessel be measured under the simplified system after having been measured under the standard regulatory measurement system. Section 14504(b) provides that a vessel that has been measured does not have to be remeasured to obtain another document or endorsement under chapter 121—“Documentation of Vessels”—except as provided above or in chapter 143 of this subtitle.

SUBCHAPTER II—FORMAL SYSTEMS

HISTORICAL AND REVISION NOTES

This subchapter provides for the standard regulatory measurement of vessels for vessels that do not qualify for the simplified measurement systems.

§ 14511. Application

This subchapter applies to a vessel described in section 14501 of this title if—

(1) the owner requests; or

(2) the vessel is—

(A) self-propelled;

(B) at least 24 meters (79 feet) overall in length; and

(C) not operated only for pleasure.

(Pub. L. 99–509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1924.)

HISTORICAL AND REVISION NOTES

Revised section 14511

Source: Section (U.S. Code) 46 App. U.S.C. 71.

Section 14511 lists the types of vessels that are to be measured under the standard regulatory measurement system. They are vessels for which the owner requests a standard measurement or vessels which are self-propelled, at least 79 feet in length, and not operated only for pleasure.

§ 14512. Standard tonnage measurement

(a) The Secretary shall prescribe regulations for measuring the gross and net tonnages of a vessel under this subchapter. The regulations shall provide for tonnages comparable to the tonnages that could have been assigned under sections 4151 and 4153 of the Revised Statutes of the United States, as sections 4151 and 4153 existed immediately before the enactment of this section.

(b) On application of the owner or master of a vessel of the United States used in foreign trade, the Secretary may attach an appendix to the vessel’s register stating the measurement of spaces that may be deducted from gross tonnage under laws and regulations of other countries but not under those of the United States.

(Pub. L. 99–509, title V, §5101(3), Oct. 21, 1986, 100 Stat. 1924.)

HISTORICAL AND REVISION NOTES

Revised section 14512

Source: Section (U.S. Code) 46 App. U.S.C. 75, 77.

Section 14512(a) requires the Secretary to prescribe regulations for regulatory measurement systems. It further provides that the regulations must allow for the determination of tonnages similar to those that

could have been found under the existing law (46 App. U.S.C. 75 & 77).

Section 14512(b) authorizes the Secretary to attach an appendix to a vessel's register stating the measurement of spaces that may be deducted from the gross tonnage under laws and regulations of other countries but not under the laws of the United States.

Editorial Notes

REFERENCES IN TEXT

Sections 4151 and 4153 of the Revised Statutes, referred to in subsec. (a), were classified to sections 75 and 77, respectively, of the former Appendix to this title and were repealed by Pub. L. 99-509, title V, § 5104(b), Oct. 21, 1986, 100 Stat. 1928.

§ 14513. Dual tonnage measurement

(a) On application by the owner and approval by the Secretary, the tonnage of spaces prescribed by the Secretary may be excluded in measuring under this section the gross tonnage of a vessel measured under section 14512 of this title. The spaces prescribed by the Secretary shall be comparable to the spaces that could have been excluded under section 2 of the Act of September 29, 1965 (Public Law 89-219, 79 Stat. 891), as section 2 existed immediately before the enactment of this section.

(b) The Secretary shall prescribe the design, location, and dimensions of the tonnage mark to be placed on a vessel measured under this section.

(c)(1) If a vessel is assigned two sets of gross and net tonnages under this section, each certificate stating the vessel's tonnages shall state the gross and net tonnages when the vessel's tonnage mark is submerged and when it is not submerged.

(2) Except as provided in paragraph (1) of this subsection, a certificate stating a vessel's tonnages may state only one set of gross and net tonnages as assigned under this section.

(Pub. L. 99-509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1924; Pub. L. 111-281, title III, § 303(h), Oct. 15, 2010, 124 Stat. 2925.)

HISTORICAL AND REVISION NOTES

Revised section 14513

Source: Section (U.S. Code) 46 App. U.S.C. 83 to 83g.

Section 14513 gives discretionary authority to the Secretary to exclude certain spaces in measuring the regulatory tonnage of a vessel, and requires the Secretary to prescribe the design, location and dimensions of the tonnage mark to be placed on the vessel. Section 14513 further provides that if spaces are excluded by the Secretary, they shall be comparable to those the Secretary could have excluded in existing law (46 App. U.S.C. 83a). Section 14513(c) provides that if a vessel's tonnage mark is below the uppermost part of the load line mark, each certificate that states the vessel's tonnages must state the gross and net tonnages when the mark is submerged and when it is not submerged.

Editorial Notes

REFERENCES IN TEXT

Section 2 of the Act of September 29, 1965, referred to in subsec. (a), was classified to section 83a of the former Appendix to this title and was repealed by Pub. L. 99-509, title V, § 5104(b), Oct. 21, 1986, 100 Stat. 1928.

AMENDMENTS

2010—Subsec. (c)(1). Pub. L. 111-281, § 303(h)(1), substituted “vessel is assigned two sets of gross and net

tonnages under this section,” for “vessel's tonnage mark is below the uppermost part of the load line marks,” and inserted “vessel's tonnage” before “mark is submerged”.

Subsec. (c)(2). Pub. L. 111-281, § 303(h)(2), substituted “as assigned under this section.” for period at end.

§ 14514. Reciprocity for foreign vessels

For a foreign vessel not measured under chapter 143, if the Secretary finds that the laws and regulations of a foreign country related to measurement of vessels are substantially similar to those of this chapter and the regulations prescribed under this chapter, the Secretary may accept the measurement and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter.

(Added Pub. L. 111-281, title III, § 303(i), Oct. 15, 2010, 124 Stat. 2925.)

SUBCHAPTER III—SIMPLIFIED SYSTEM

HISTORICAL AND REVISION NOTES

This subchapter provides for a simplified regulatory measurement of vessels that are either non-self-propelled, under 79' in length, or operated only for pleasure.

§ 14521. Application

This subchapter applies to a vessel described in section 14501 of this title that is not measured under subchapter II of this chapter.

(Pub. L. 99-509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1925.)

HISTORICAL AND REVISION NOTES

Revised section 14521

Source: Section (U.S. Code) 46 App. U.S.C. 71.

Section 14521 provides that vessels that are to be measured under the regulatory measurement system in this chapter, but are not measured under the standard regulatory measurement system in subchapter II, shall be measured under the simplified measurement system.

§ 14522. Measurement

(a) In this section, “length” means the horizontal distance of the hull between the foremost part of the stem and the aftermost part of the stern, excluding fittings and attachments.

(b)(1) The Secretary shall assign gross and net tonnages to a vessel based on its length, breadth, depth, other dimensions, and appropriate coefficients.

(2) The Secretary shall prescribe the way dimensions (except length) are measured and which coefficients are appropriate.

(c) The resulting gross tonnages, taken as a group, reasonably shall reflect the relative internal volumes of the vessels measured under this subchapter. The resulting net tonnages shall be in approximately the same ratios to corresponding gross tonnages as are the net and gross tonnages of comparable vessels measured under subchapter II of this chapter.

(d) Under regulations prescribed by the Secretary, the Secretary may determine the gross and net tonnages of a vessel representative of a designated class, model, or type, and then assign those gross and net tonnages to other vessels of the same class, model, or type.

(Pub. L. 99-509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1925.)

HISTORICAL AND REVISION NOTES

Revised section 14522

Source: Section (U.S. Code) 46 App. U.S.C. 71.

Section 14522(a) defines the term “length” as it is used in the simplified measurement system.

Section 14522(b) requires the Secretary to assign gross and net tonnages under the simplified system, based on a vessel’s length, breadth, depth, other dimensions and appropriate coefficients, as the Secretary deems appropriate.

Section 14522(c) provides that the gross tonnages as measured under this section shall reflect the relative internal volumes of vessels. It provides further that the net tonnages measured under this section shall be in approximately the same ratio to corresponding gross tonnages as are the net and gross tonnages of comparable vessels measured under the standard regulatory measurement system.

CHAPTER 147—PENALTIES

Sec.

- 14701. General violation.
- 14702. False statements.

HISTORICAL AND REVISION NOTES

This chapter provides for penalties for violations of Part J—Measurement of Vessels.

§ 14701. General violation

The owner, charterer, managing operator, agent, master, and individual in charge of a vessel violating this part or a regulation prescribed under this part are each liable to the United States Government for a civil penalty of not more than \$20,000. Each day of a continuing violation is a separate violation. The vessel also is liable in rem for the penalty.

(Pub. L. 99-509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1925.)

HISTORICAL AND REVISION NOTES

Revised section 14701

Source: Section (U.S. Code) 46 App. U.S.C. 83j.

Section 14701 provides that the owner, charterer, managing operator, agent, master, and individual in charge of a vessel violating Part J—Measurement of Vessels—are each liable to the U.S. Government for a civil penalty of not more than \$20,000. It also provides that the vessel is liable in rem for the penalty and that each day of a continuing violation is a separate violation.

§ 14702. False statements

A person knowingly making a false statement or representation in a matter in which a statement or representation is required by this part or a regulation prescribed under this part is liable to the United States Government for a civil penalty of not more than \$20,000 for each false statement or representation. The vessel also is liable in rem for the penalty.

(Pub. L. 99-509, title V, § 5101(3), Oct. 21, 1986, 100 Stat. 1925.)

HISTORICAL AND REVISION NOTES

Revised section 14702

Source: Section (U.S. Code) 46 App. U.S.C. 83i.

Section 14702 provides that a person knowingly making a false statement or representation in a matter in which a statement or representation is required by this

part or a regulation prescribed under this part is liable to the United States Government for a civil penalty of not more than \$20,000 for each false statement or representation. It further provides that the vessel is liable in rem for the penalty. This penalty is increased from \$1,000 in existing law and conforms with the level of similar penalties throughout the subtitle.

PART K—NATIONAL MARITIME TRANSPORTATION ADVISORY COMMITTEES

CHAPTER 151—NATIONAL MARITIME TRANSPORTATION ADVISORY COMMITTEES

Sec.

- 15101. National Chemical Transportation Safety Advisory Committee.
- 15102. National Commercial Fishing Safety Advisory Committee.
- 15103. National Merchant Marine Personnel Advisory Committee.
- 15104. National Merchant Mariner Medical Advisory Committee.
- 15105. National Boating Safety Advisory Committee.
- 15106. National Offshore Safety Advisory Committee.
- 15107. National Navigation Safety Advisory Committee.
- 15108. National Towing Safety Advisory Committee.
- 15109. Administration.

Statutory Notes and Related Subsidiaries

TREATMENT OF EXISTING COUNCILS AND COMMITTEES

Pub. L. 115-282, title VI, § 601(d), Dec. 4, 2018, 132 Stat. 4290, provided that: “Notwithstanding any other provision of law—

“(1) an advisory council or committee substantially similar to an advisory committee established under chapter 151 of title 46, United States Code, as added by this Act, and that was in force or in effect on the day before the date of enactment of this section [Dec. 4, 2018], including a council or committee the authority for which was repealed under subsection (c) [repealing sections 4508, 7115, 8108, and 13110 of this title and sections 1231a and 2073 of Title 33, Navigation and Navigable Waters], may remain in force or in effect for a period of 2 years from the date of enactment of this section, including that the charter, membership, and other aspects of the council or committee may remain in force or in effect; and

“(2) during the 2-year period referenced in paragraph (1)—

“(A) requirements relating to the applicable advisory committee established under chapter 151 of title 46, United States Code, shall be treated as satisfied by the substantially similar advisory council or committee; and

“(B) the enactment of this section [see Tables for classification], including the amendments made in this section, shall not be the basis—

“(i) to deem, find, or declare such council or committee, including the charter, membership, and other aspects thereof, void, not in force, or not in effect;

“(ii) to suspend the activities of such council or committee; or

“(iii) to bar the members of such council or committee from meeting.”

§ 15101. National Chemical Transportation Safety Advisory Committee

(a) ESTABLISHMENT.—There is established a National Chemical Transportation Safety Advisory Committee (in this section referred to as the “Committee”).

(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to the safe and se-