

Public Law 98-89  
98th Congress

An Act

Aug. 26, 1983  
[S. 46]

To revise, consolidate, and enact certain laws related to vessels and seamen as subtitle II of title 46, United States Code, "Shipping".

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Shipping.  
Enactment as  
subtitle II of title  
46, United States  
Code.  
46 USC note  
prec. 2101.

SUBTITLE II OF TITLE 46, UNITED STATES CODE

SECTION 1. Certain general and permanent laws of the United States, related to vessels and seamen, are revised, consolidated, and enacted as title 46, United States Code, "Shipping", as follows:

TITLE 46—SHIPPING

SUBTITLE	Sec.
I. [Reserved—general].....	101
II. Vessels and seamen.....	2101

[BALANCE OF TITLE RESERVED]

SUBTITLE II—VESSELS AND SEAMEN

PART A—GENERAL PROVISIONS

Chapter	Sec.
21. General.....	2101
23. Operation of vessels generally.....	2301

PART B—INSPECTION AND REGULATION OF VESSELS

31. General.....	3101
33. Inspection generally.....	3301
35. Carriage of passengers.....	3501
37. Carriage of liquid bulk dangerous cargoes.....	3701
39. Carriage of animals.....	3901
41. Uninspected vessels.....	4101
43. Recreational vessels.....	4301

[PART C—RESERVED FOR LOAD LINES OF VESSELS]

PART D—MARINE CASUALTIES

61. Reporting marine casualties.....	6101
63. Investigating marine casualties.....	6301

PART E—LICENSES, CERTIFICATES, AND MERCHANT MARINERS' DOCUMENTS

71. Licenses and certificates of registry.....	7101
73. Merchant mariners' documents.....	7301
75. General procedures for licensing, certification, and documentation.....	7501
77. Suspension and revocation.....	7701

PART F—MANNING OF VESSELS

81. General.....	8101
83. Masters and officers.....	8301
85. Pilots.....	8501
87. Unlicensed personnel.....	8701
89. Small vessel manning.....	8901
91. Tank vessel manning standards.....	9101
93. Great Lakes pilotage.....	9301

## PART G—MERCHANT SEAMEN PROTECTION AND RELIEF

101. General.....	10101
103. Foreign and intercoastal voyages.....	10301
105. Coastwise voyages.....	10501
107. Effects of deceased seamen.....	10701
109. Proceedings on unseaworthiness.....	10901
111. Protection and relief.....	11101
113. Official logbooks.....	11301
115. Offenses and penalties.....	11501

## PART H—IDENTIFICATION OF VESSELS

121. Documentation of vessels.....	12101
123. Numbering undocumented vessels.....	12301

## PART I—STATE BOATING SAFETY PROGRAMS

131. Recreational boating safety.....	13101
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## [PART J—RESERVED FOR MEASUREMENT OF VESSELS]

## PART A—GENERAL PROVISIONS

## CHAPTER 21—GENERAL

## Sec.

2101. General definitions.
2102. Limited definitions.
2103. Superintendence of the merchant marine.
2104. Delegation.
2105. Report.
2106. Liability in rem.
2107. Civil penalty procedures.
2108. Refund of penalties.
2109. Public vessels.
2110. Fees prohibited.
2111. Pay for overtime services.
2112. Authority to change working hours.
2113. Authority to exempt certain vessels.

## § 2101. General definitions

In this subtitle—

(1) “associated equipment”—

(A) means—

- (i) a system, accessory, component, or appurtenance of a recreational vessel; or
- (ii) a marine safety article intended for use on board a recreational vessel; but

(B) does not include radio equipment.

(2) “barge” means a non-self-propelled vessel.

(3) “Boundary Line” means a line established under section 2(b) of the Act of February 19, 1895 (33 U.S.C. 151).

(4) “Coast Guard” means the organization established and continued under section 1 of title 14.

(5) “commercial service” includes any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.

(6) “consular officer” means an officer or employee of the United States Government designated under regulations to grant visas.

(7) “crude oil” means a liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes crude oil from which

certain distillate fractions may have been removed, and crude oil to which certain distillate fractions may have been added.

(8) "crude oil tanker" means a tanker engaged in the trade of carrying crude oil.

(9) "discharge", when referring to a substance discharged from a vessel, includes spilling, leaking, pumping, pouring, emitting, emptying, or dumping, however caused.

(10) "documented vessel" means a vessel for which a certificate of documentation has been issued under chapter 121 of this title.

(11) "fisheries" includes planting, cultivating, catching, taking, or harvesting fish, shellfish, marine animals, pearls, shells, or marine vegetation at a place in the fishery conservation zone established by section 101 of the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1811).

(12) "foreign vessel" means a vessel of foreign registry or operated under the authority of a country except the United States.

(13) "freight vessel" means a motor vessel of more than 15 gross tons that carries freight for hire, except an oceanographic research vessel or an offshore supply vessel.

(14) "hazardous material" means a liquid material or substance that is—

(A) flammable or combustible;

(B) designated a hazardous substance under section 311(b) of the Federal Water Pollution Control Act (33 U.S.C. 1321); or

(C) designated a hazardous material under section 104 of the Hazardous Material Transportation Act (49 U.S.C. 1803);

(15) "marine environment" means—

(A) the navigable waters of the United States and the land and resources in and under those waters;

(B) the waters and fishery resources of an area over which the United States asserts exclusive fishery management authority;

(C) the seabed and subsoil of the outer Continental Shelf of the United States, the resources of the Shelf, and the waters superjacent to the Shelf; and

(D) the recreational, economic, and scenic values of the waters and resources referred to in subclauses (A)–(C) of this clause.

(16) "motor vessel" means a vessel propelled by machinery other than steam.

(17) "nautical school vessel" means a vessel operated by or in connection with a nautical school.

(18) "oceanographic research vessel" means a vessel that the Secretary finds is being employed only in instruction in oceanography or limnology, or both, or only in oceanographic or limnological research, including those studies about the sea such as seismic, gravity meter, and magnetic exploration and other marine geophysical or geological surveys, atmospheric research, and biological research.

(19) "offshore supply vessel" means a motor vessel of more than 15 gross tons but less than 500 gross tons that regularly carries goods, supplies, or equipment in support of exploration,

exploitation, or production of offshore mineral or energy resources and is not a small passenger vessel.

(20) "oil" includes oil of any type or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes except dredged spoil.

(21) "passenger"—

(A) on a passenger vessel, means an individual carried on the vessel except—

(i) the master; or

(ii) a crewmember.

(B) on a small passenger vessel, means an individual carried on the vessel except—

(i) the owner or representative of the owner;

(ii) the master or a crewmember engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for services;

(iii) an employee of the owner of the vessel engaged in the business of the owner, except when the vessel is operating under a demise charter;

(iv) an employee of the demise charterer of the vessel engaged in the business of the demise charterer;

(v) a guest on board a vessel that is being operated only for pleasure, or a guest on board a sailing school vessel, who has not contributed consideration for carriage on board;

(vi) an individual on board a towing vessel of at least 50 gross tons who has not contributed consideration for carriage on board; or

(vii) a sailing school instructor or sailing school student.

(C) on an offshore supply vessel, means an individual carried on the vessel except—

(i) the owner;

(ii) a representative of the owner;

(iii) the master;

(iv) a crewmember engaged in the business of the vessel who has not contributed consideration for carriage on board and who is paid for services on board;

(v) an employee of the owner, or of a subcontractor to the owner, engaged in the business of the owner;

(vi) a charterer of the vessel;

(vii) a person with the same relationship to a charterer as a person in subclause (ii) or (v) of this subclause has to an owner;

(viii) a person employed in a phase of exploration, exploitation, or production of offshore mineral or energy resources served by the vessel; or

(ix) a guest who has not contributed consideration for carriage on board.

(D) on an uninspected passenger vessel, means an individual carried on the vessel except—

(i) the owner or representative of the owner;

(ii) the managing operator;

(iii) a crewmember engaged in the business of the vessel who has not contributed consideration for carriage on board and who is paid for services on board; or

(iv) a guest on board a vessel that is being operated only for pleasure who has not contributed consideration for carriage on board.

(22) "passenger vessel" means a vessel of at least 100 gross tons carrying at least one passenger for hire.

(23) "product carrier" means a tanker engaged in the trade of carrying oil except crude oil.

(24) "public vessel" means a vessel that—

(A) is owned, or demise chartered, and operated by the United States Government or a government of a foreign country; and

(B) is not engaged in commercial service.

(25) "recreational vessel" means a vessel—

(A) being manufactured or operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure.

(26) "recreational vessel manufacturer" means a person engaged in the manufacturing, construction, assembly, or importation of recreational vessels, components, or associated equipment.

(27) "sailing instruction" means teaching, research, and practical experience in operating vessels propelled primarily by sail and may include any subject related to that operation and to the sea, including seamanship, navigation, oceanography, other nautical and marine sciences, and maritime history and literature.

(28) "sailing school instructor" means an individual who is on board a sailing school vessel to provide sailing instruction, but does not include an operator or crewmember who is among those required to be on board the vessel to meet a requirement established under part F of this subtitle.

(29) "sailing school student" means an individual who is on board a sailing school vessel to receive sailing instruction.

(30) "sailing school vessel" means a vessel—

(A) that is less than 500 gross tons;

(B) carrying at least 6 individuals who are sailing school instructors or sailing school students;

(C) principally equipped for propulsion by sail, even if the vessel has an auxiliary means of propulsion; and

(D) owned or demise chartered, and operated by an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of that Code, or by a State or political subdivision of a State, during times that the vessel is operated by the organization, State, or political subdivision only for sailing instruction.

(31) "scientific personnel" means individuals on board an oceanographic research vessel only to engage in scientific research, or to instruct or receive instruction in oceanography or limnology.

(32) "seagoing barge" means a non-self-propelled vessel of at least 100 gross tons making voyages beyond the Boundary Line.

(33) "seagoing motor vessel" means a motor vessel of at least 300 gross tons making voyages beyond the Boundary Line.

(34) "Secretary" means the head of the department in which the Coast Guard is operating.

*Post*, p. 547.

26 USC 501.

(35) "small passenger vessel" means a vessel of less than 100 gross tons carrying more than 6 passengers (as defined in clause (21) (B) and (C) of this section).

(36) "State" means a State of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States.

(37) "steam vessel" means a vessel propelled in whole or in part by steam, except a recreational vessel of not more than 40 feet in length.

(38) "tanker" means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces.

(39) "tank vessel" means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that—

(A) is a vessel of the United States;

(B) operates on the navigable waters of the United States;

or

(C) transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.

(40) "towing vessel" means a commercial vessel engaged in or intending to engage in the service of pulling, pushing, or hauling along side, or any combination of pulling, pushing, or hauling along side.

(41) "undocumented" means not having and not required to have a document issued under chapter 121 of this title.

*Post*, p. 584.

(42) "uninspected passenger vessel" means an uninspected vessel carrying not more than 6 passengers.

(43) "uninspected vessel" means a vessel not subject to inspection under section 3301 of this title that is not a recreational vessel.

(44) "United States", when used in a geographic sense, means the States of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States.

(45) "vessel" has the same meaning given that term in section 3 of title 1.

1 USC 3.

(46) "vessel of the United States" means a vessel documented or numbered under the laws of the United States.

## § 2102. Limited definitions

In chapters 43 and 123 of this title and part I of this subtitle—

*Post*, pp. 529, 590, 592.

(1) "eligible State" means a State that has a State recreational boating safety and facilities improvement program accepted by the Secretary.

(2) "State" and "United States", in addition to their meanings under section 2101 (36) and (44) of this title, include the Trust Territory of the Pacific Islands.

(3) "State recreational boating facilities improvement program"—

(A) means a program to develop or improve public facilities that establish or add to public access to the waters of the United States to improve their suitability for recreational boating, including ancillary facilities necessary to ensure the safe use of those facilities; and

(B) includes acquiring title or an interest in riparian or submerged land, and the capital improvement of riparian or submerged land, to increase public access to the waters of the United States.

(4) "State recreational boating safety and facilities improvement program" means a State recreational boating safety program, or a State recreational boating facilities improvement program, or both.

(5) "State recreational boating safety program" means education, assistance, and enforcement activities conducted for marine casualty prevention, reduction, and reporting for recreational boating.

#### **§ 2103. Superintendence of the merchant marine**

The Secretary has general superintendence over the merchant marine of the United States and of merchant marine personnel insofar as the enforcement of this subtitle is concerned and insofar as those vessels and personnel are not subject, under other law, to the supervision of another official of the United States Government. In the interests of marine safety and seamen's welfare, the Secretary shall enforce this subtitle and shall carry out correctly and uniformly administer this subtitle and regulations prescribed under this subtitle.

#### **§ 2104. Delegation**

(a) The Secretary may delegate the duties and powers conferred by this subtitle to any officer, employee, or member of the Coast Guard, and may provide for the subdelegation of those duties and powers.

(b) When this subtitle authorizes an officer or employee of the Customs Service to act in place of a Coast Guard official, the Secretary may designate that officer or employee subject to the approval of the Secretary of the Treasury.

#### **§ 2105. Report**

The Secretary shall provide for the investigation of the operation of this subtitle and of all laws related to marine safety, and shall require that a report be made to the Secretary annually about those matters that may require improvement or amendment.

#### **§ 2106. Liability in rem**

When a vessel is made liable in rem under this subtitle, the vessel may be libeled and proceeded against in a district court of the United States in which the vessel is found.

#### **§ 2107. Civil penalty procedures**

(a) After notice and an opportunity for a hearing, a person found by the Secretary to have violated this subtitle or a regulation prescribed under this subtitle for which a civil penalty is provided, is liable to the United States Government for the civil penalty provided. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

(b) The Secretary may compromise, modify, or remit, with or without consideration, a civil penalty under this subtitle until the assessment is referred to the Attorney General.

(c) If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection in an appropriate district court of the United States.

Failure to pay  
assessment.

#### § 2108. Refund of penalties

The Secretary may refund or remit a civil penalty collected under this subtitle if—

(1) application has been made for refund or remission of the penalty within one year from the date of payment; and

(2) the Secretary finds that the penalty was unlawfully, improperly, or excessively imposed.

#### § 2109. Public vessels

This subtitle does not apply to a public vessel of the United States. However, this subtitle does apply to a vessel (except a Coast Guard or a Saint Lawrence Seaway Development Corporation vessel) owned or operated by the Department of Transportation or by any corporation organized or controlled by the Department.

#### § 2110. Fees prohibited

Fees may not be charged or collected by the Secretary for services provided for in this subtitle related to the engagement and discharge of seamen, the inspection and examination of vessels, the licensing of masters, mates, pilots, and engineers, and the measurement or documentation of vessels, except when specifically provided for in this subtitle.

#### § 2111. Pay for overtime services

(a) The Secretary may prescribe a reasonable rate of extra pay for overtime services of civilian officers and employees of the Coast Guard required to remain on duty between 5 p.m. and 8 a.m., or on Sundays or holidays, to perform services related to—

- (1) the inspection of vessels or their equipment;
- (2) the engagement and discharge of crews of vessels;
- (3) the measurement of vessels; and
- (4) the documentation of vessels.

(b) Except for Sundays and holidays, the overtime rate provided under subsection (a) of this section is one-half day's additional pay for each 2 hours of overtime (or part of 2 hours of at least one hour). The total extra pay may be not more than 2 and one-half days' pay for any one period from 5 p.m. to 8 a.m.

(c) The overtime rate provided under subsection (a) of this section for Sundays and holidays is 2 additional days' pay.

(d) The owner, charterer, managing operator, agent, master, or individual in charge of the vessel shall pay the amount of the overtime pay provided under this section to the official designated by regulation. The official shall deposit the amount paid to the Treasury as miscellaneous receipts. Payment to the officer or employee entitled to the pay shall be made from the annual appropriations for salaries and expenses of the Coast Guard.

(e) The overtime pay provided under this section shall be paid if the authorized officers and employees have been ordered to report



for duty and have reported, even if services requested were not performed.

**§ 2112. Authority to change working hours**

In a port at which the customary working hours begin before 8 a.m. or end after 5 p.m., the Secretary may regulate the working hours of the officers and employees referred to in section 2111 of this title so that those hours conform to the prevailing working hours of the port. However—

- (1) the total period for which overtime pay may be required under section 2111 of this title may not be more than 15 hours between any 2 periods of ordinary working hours on other than Sundays and holidays;
- (2) the length of the working day for the officers and employees involved may not be changed; and
- (3) the rate of overtime pay may not be changed.

**§ 2113. Authority to exempt certain vessels**

*Post*, pp. 509, 547.

If the Secretary decides that the application of a provision of part B or F of this subtitle is not necessary in performing the mission of a vessel engaged in excursions or an oceanographic research vessel, the Secretary by regulation may—

- (1) for an excursion vessel, issue a special permit specifying the conditions of operation and equipment; and
- (2) exempt the oceanographic research vessel from that provision under conditions the Secretary may specify.

## CHAPTER 23—OPERATION OF VESSELS GENERALLY

Sec.

2301. Application.

2302. Penalties for negligent operations.

2303. Duties related to marine casualty assistance and information.

2304. Duty to provide assistance at sea.

2305. Injunctions.

**§ 2301. Application**

This chapter applies to a vessel operated on waters subject to the jurisdiction of the United States and, for a vessel owned in the United States, on the high seas.

**§ 2302. Penalties for negligent operations**

(a) A person operating a vessel in a negligent manner that endangers the life, limb, or property of a person is liable to the United States Government for a civil penalty of not more than \$1,000.

(b) A person operating a vessel in a grossly negligent manner that endangers the life, limb, or property of a person shall be fined not more than \$5,000, imprisoned for not more than one year, or both.

(c) For a penalty imposed under this section, the vessel also is liable in rem unless the vessel is—

- (1) owned by a State or a political subdivision of a State;
- (2) operated principally for governmental purposes; and
- (3) identified clearly as a vessel of that State or subdivision.

**§ 2303. Duties related to marine casualty assistance and information**

(a) The master or individual in charge of a vessel involved in a marine casualty shall—

(1) render necessary assistance to each individual affected to save that affected individual from danger caused by the marine casualty, so far as the master or individual in charge can do so without serious danger to the master's or individual's vessel or to individuals on board; and

(2) give the master's or individual's name and address and identification of the vessel to the master or individual in charge of any other vessel involved in the casualty, to any individual injured, and to the owner of any property damaged.

(b) An individual violating this section or a regulation prescribed under this section shall be fined not more than \$1,000 or imprisoned for not more than 2 years. The vessel also is liable in rem to the United States Government for the fine.

Fine and imprisonment.

(c) An individual complying with subsection (a) of this section or gratuitously and in good faith rendering assistance at the scene of a marine casualty without objection by an individual assisted, is not liable for damages as a result of rendering assistance or for an act or omission in providing or arranging salvage, towage, medical treatment, or other assistance when the individual acts as an ordinary, reasonable, and prudent individual would have acted under the circumstances.

**§ 2304. Duty to provide assistance at sea**

(a) A master or individual in charge of a vessel shall render assistance to any individual found at sea in danger of being lost, so far as the master or individual in charge can do so without serious danger to the master's or individual's vessel or individuals on board.

(b) A master or individual violating this section shall be fined not more than \$1,000, imprisoned for not more than 2 years, or both.

Fine and imprisonment.

**§ 2305. Injunctions**

(a) The district courts of the United States have jurisdiction to enjoin the negligent operation of vessels prohibited by this chapter on the petition of the Attorney General for the United States Government.

(b) When practicable, the Secretary shall—

Notice.

(1) give notice to any person against whom an action for injunctive relief is considered under this section an opportunity to present that person's views; and

(2) except for a knowing and willful violation, give the person a reasonable opportunity to achieve compliance.

(c) The failure to give notice and opportunity to present views under subsection (b) of this section does not preclude the court from granting appropriate relief.

**PART B—INSPECTION AND REGULATION OF VESSELS****CHAPTER 31—GENERAL**

Sec.

3101. Authority to suspend inspection.

**§ 3101. Authority to suspend inspection**

When the President decides that the needs of foreign commerce require, the President may suspend a provision of this part for a foreign-built vessel registered as a vessel of the United States on conditions the President may specify.

**CHAPTER 33—INSPECTION GENERALLY****Sec.**

- 3301. Vessels subject to inspection.
- 3302. Exemptions.
- 3303. Reciprocity for foreign vessels.
- 3304. Carrying individuals in addition to crew.
- 3305. Scope and standards of inspection.
- 3306. Regulations.
- 3307. Frequency of inspection.
- 3308. Examinations.
- 3309. Certificate of inspection.
- 3310. Records of certification.
- 3311. Certificate of inspection required.
- 3312. Display of certificate of inspection.
- 3313. Compliance with certificate of inspection.
- 3314. Expiration of certificate of inspection.
- 3315. Disclosure of defects and protection of informants.
- 3316. United States classification societies.
- 3317. Fees.
- 3318. Penalties.

**§ 3301. Vessels subject to inspection**

The following categories of vessels are subject to inspection under this part:

- (1) freight vessels.
- (2) nautical school vessels.
- (3) offshore supply vessels.
- (4) passenger vessels.
- (5) sailing school vessels.
- (6) seagoing barges.
- (7) seagoing motor vessels.
- (8) small passenger vessels.
- (9) steam vessels.
- (10) tank vessels.

**§ 3302. Exemptions**

(a) A vessel is not excluded from one category only because the vessel is—

- (1) included in another category of section 3301 of this title; or
- (2) excluded by this section from another category of section 3301 of this title.

(b) A motor vessel engaged in fishing as a regular business, including oystering, clamming, crabbing, or the kelp or sponge industry, is exempt from section 3301 (1), (4), and (7) of this title.

(c)(1) Before January 1, 1988, a motor vessel is exempt from section 3301 (1), (4), and (7) of this title if the vessel is not more than 500 gross tons and—

(A) is a cannery tender or a fishing tender in the salmon or crab fisheries of Alaska, Oregon, and Washington; and

(B) only carries cargo to or from vessels in those fisheries or a facility used in processing or assembling fishery products, or transports cannery or fishing personnel to or from operating locations.

(2) Before January 1, 1988, a vessel is exempt from section 3301 (1), (4), (6), and (7) of this title if the vessel is not more than 5,000 gross tons and is used only in processing and assembling fishery products in the fisheries of Alaska, Oregon, and Washington.

(d)(1) A motor vessel of less than 150 gross tons, constructed before August 23, 1958, is not subject to inspection under section 3301(1) of this title if the vessel is owned or demise chartered to a cooperative or association that only transports cargo owned by at least one of its members on a nonprofit basis between places within the waters of—

- (A) southeastern Alaska shoreward of the Boundary Line; or
- (B) southeastern Alaska shoreward of the Boundary Line and—

- (i) Prince Rupert, British Columbia; or

- (ii) waters of Washington shoreward of the Boundary Line, via sheltered waters, as defined in article I of the treaty dated December 9, 1933, between the United States and Canada defining certain waters as sheltered waters.

49 Stat. 2685.

(2) The transportation authorized under this subsection is limited to and from places not receiving annual weekly transportation service from any part of the United States by an established water common carrier. However, the limitation does not apply to transporting cargo of a character not accepted for transportation by that carrier.

(e) A vessel laid up, dismantled, or out of commission is exempt from inspection.

(f) Section 3301 (4) and (8) of this title does not apply to an oceanographic research vessel because it is carrying scientific personnel.

(g)(1) Except when compliance with major structural or major equipment requirements is necessary to remove an especially hazardous condition, an offshore supply vessel is not subject to regulations or standards for those requirements if the vessel—

- (A) was operating as an offshore supply vessel before January 2, 1979; or

- (B) was contracted for before January 2, 1979, and entered into service as an offshore supply vessel before October 6, 1980.

(2) After December 31, 1988, this subsection does not apply to an offshore supply vessel that is at least 20 years of age.

(h) An offshore supply vessel operating on January 1, 1979, under a certificate of inspection issued by the Secretary, is subject to an inspection standard or requirement only if the standard or requirement could have been prescribed for the vessel under authority existing under law on October 5, 1980.

(i)(1) The Secretary may issue a permit exempting a vessel from any part of the requirements of this part for vessels transporting cargo, including bulk fuel, from one place in Alaska to another place in Alaska only if the vessel—

Permit issuance.

- (A) is not more than 300 gross tons;

- (B) is in a condition that does not present an immediate threat to the safety of life or the environment; and

- (C) was operating in the waters off Alaska as of June 1, 1976, or the vessel is a replacement for a vessel that was operating in the waters off Alaska as of June 1, 1976, if the vessel being replaced is no longer in service.

(2) Except in a situation declared to be an emergency by the Secretary, a vessel operating under a permit may not transport cargo to or from a place if the cargo could be transported by another

commercial vessel that is reasonably available and that does not require exemptions to operate legally or if the cargo could be readily transported by overland routes.

(3) A permit may be issued for a specific voyage or for not more than one year. The permit may impose specific requirements about the amount or type of cargo to be carried, manning, the areas or specific routes over which the vessel may operate, or other similar matters. The duration of the permit and restrictions contained in the permit shall be at the sole discretion of the Secretary.

(4) A designated Coast Guard official who has reason to believe that a vessel issued a permit is in a condition or is operated in a manner that creates an immediate threat to the safety of life or the environment or is operated in a manner that is inconsistent with the terms of the permit, may direct the master or individual in charge to take immediate and reasonable steps to safeguard life and the environment, including directing the vessel to a port or other refuge.

Civil penalty.

(5) If a vessel issued a permit creates an immediate threat to the safety of life or the environment, or is operated in a manner inconsistent with the terms of the permit or the requirements of paragraph (2) of this subsection, the permit may be revoked. The owner, charter, managing operator, agent, master, or individual in charge of a vessel issued a permit, that willfully permits the vessel to be operated, or operates, the vessel in a manner inconsistent with the terms of the permit, is liable to the United States Government for a civil penalty of not more than \$1,000.

(j) Notwithstanding another provision of this chapter, the Secretary is not required to inspect or prescribe regulations for a nautical school vessel of not more than 15 gross tons—

(1) when used in connection with a course of instruction dealing with any aspect of maritime education or study; and

(2) operated by—

(A) the United States Merchant Marine Academy; or

(B) a State maritime academy assisted under section 1304 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295(c)).

### § 3303. Reciprocity for foreign vessels

Post, p. 520.

(a) Except as provided in chapter 37 of this title, a foreign vessel of a country having inspection laws and standards similar to those of the United States and that has an unexpired certificate of inspection issued by proper authority of its respective country, is subject only to an inspection to ensure that the condition of the vessel's propulsion equipment and lifesaving equipment are as stated in its current certificate of inspection. A foreign country is considered to have inspection laws and standards similar to those of the United States when it is a party to an International Convention for Safety of Life at Sea to which the United States Government is currently a party. A foreign certificate of inspection may be accepted as evidence of lawful inspection only when presented by a vessel of a country that has by its laws accorded to vessels of the United States visiting that country the same privileges accorded to vessels of that country visiting the United States.

16 UST 185;  
TIAS 9700.

Inspection fees.

(b) The Secretary shall collect and pay to the Treasury the same fees for the inspection of foreign vessels carrying passengers from the United States that a foreign country charges vessels of the United States trading to the ports of that country. The Secretary may waive at any time the collection of the fees on notice of the

Waiver.

proper authorities of any country concerned that the collection of fees for the inspection of vessels of the United States has been discontinued.

#### § 3304. Carrying individuals in addition to crew

(a) A documented vessel carrying cargo that carries not more than 12 individuals in addition to the crew on international voyages, or not more than 16 individuals in addition to the crew on other voyages, is not subject to inspection as a passenger vessel or a small passenger vessel.

Inspection  
exemption.

(b) Before an individual in addition to the crew is carried on a vessel as permitted by this section, the owner, charterer, managing operator, agent, master, or individual in charge of the vessel first shall notify the individual of the presence on board of dangerous articles as defined by law, and of other conditions or circumstances that would constitute a risk of safety to the individual on board.

(c) The privilege authorized by this section applies to a vessel of a foreign country that affords a similar privilege to vessels of the United States in trades not restricted to vessels under its own flag.

#### § 3305. Scope and standards of inspection

(a) The inspection process shall ensure that a vessel subject to inspection—

(1) is of a structure suitable for the service in which it is to be employed;

(2) is equipped with proper appliances for lifesaving, fire prevention, and firefighting;

(3) has suitable accommodations for the crew, sailing school instructors, and sailing school students, and for passengers on the vessel if authorized to carry passengers;

(4) is in a condition to be operated with safety to life and property; and

(5) complies with applicable marine safety laws and regulations.

(b) If an inspection, or examination under section 3308 of this title, reveals that a life preserver, life-saving device, or firehose is defective and incapable of being repaired, the owner or master shall destroy the life preserver or firehose in the presence of the official conducting the inspection or examination.

Defective and  
unrepairable  
safety devices.

(c) A nautical school vessel operated by a civilian nautical school shall be inspected like a small passenger vessel or a passenger vessel, depending on its tonnage.

#### § 3306. Regulations

(a) To carry out this part and to secure the safety of individuals and property on board vessels subject to inspection, the Secretary shall prescribe necessary regulations to ensure the proper execution of, and to carry out, this part in the most effective manner for—

(1) the design, construction, alteration, repair, and operation of those vessels, including superstructures, hulls, fittings, equipment, appliances, propulsion machinery, auxiliary machinery, boilers, unfired pressure vessels, piping, electric installations, and accommodations for passengers and crew, sailing school instructors, and sailing school students;

(2) lifesaving equipment and its use;

(3) firefighting equipment, its use, and precautionary measures to guard against fire;

(4) inspections and tests related to clauses (1)–(3) of this subsection; and

(5) the use of vessel stores and other supplies of a dangerous nature.

(b) Equipment subject to regulation under this section may not be used on any vessel without prior approval as prescribed by regulation.

(c) In prescribing regulations for sailing school vessels, the Secretary shall consult with representatives of the private sector having experience in the operation of vessels likely to be certificated as sailing school vessels. The regulations shall—

(1) reflect the specialized nature of sailing school vessel operations, and the character, design, and construction of vessels operating as sailing school vessels; and

(2) include requirements for notice to sailing school instructors and sailing school students about the specialized nature of sailing school vessels and applicable safety regulations.

(d) In prescribing regulations for nautical school vessels operated by the United States Merchant Marine Academy or by a State maritime academy (as defined in section 1302(3) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295a(3))), the Secretary shall consider the function, purpose, and operation of the vessels, their routes, and the number of individuals who may be carried on the vessels.

Suspensions or exemptions.

(e) When the Secretary finds it in the public interest, the Secretary may suspend or grant exemptions from the requirements of a regulation prescribed under this section related to lifesaving and firefighting equipment, muster lists, ground tackle and hawsers, and bilge systems.

(f) In prescribing regulations for offshore supply vessels, the Secretary shall consider the characteristics, methods of operation, and the nature of the service of offshore supply vessels.

### § 3307. Frequency of inspection

Each vessel subject to inspection under this part shall undergo an initial inspection for certification before being put into service. After being put into service—

(1) each passenger vessel and nautical school vessel shall be inspected at least once a year;

(2) each small passenger vessel, freight vessel or offshore supply vessel of less than 100 gross tons, and sailing school vessel shall be inspected at least once every 3 years; and

(3) any other vessel shall be inspected at least once every 2 years.

### § 3308. Examinations

In addition to inspections required by section 3307 of this title, the Secretary shall examine—

(1) each vessel subject to inspection at proper times to ensure compliance with law and regulations; and

(2) crewmember accommodations on each vessel subject to inspection at least once a month or when the vessel enters United States ports to ensure that the accommodations are—

(A) of the size required by law and regulations;

(B) properly ventilated and in a clean and sanitary condition; and

(C) equipped with proper plumbing and mechanical appliances required by law and regulations, and the appliances are in good working condition.

#### § 3309. Certificate of inspection

(a) When an inspection under section 3307 of this title has been made and a vessel has been found to be in compliance with the requirements of law and regulations, a certificate of inspection, in a form prescribed by the Secretary, shall be issued to the vessel.

(b) The Secretary may issue a temporary certificate of inspection in place of a regular certificate of inspection issued under subsection (a) of this section.

#### § 3310. Records of certification

The Secretary shall keep records of certificates of inspection of vessels and of all acts in the examination and inspection of vessels, whether of approval or disapproval.

#### § 3311. Certificate of inspection required

A vessel subject to inspection under this part may not be operated without having on board a valid certificate of inspection issued under section 3309 of this title.

#### § 3312. Display of certificate of inspection

The certificate of inspection issued to a vessel under section 3309 of this title shall be displayed, suitably framed, in a conspicuous place on the vessel. When it is not practicable to so display the certificate, it shall be carried in the manner prescribed by regulation.

#### § 3313. Compliance with certificate of inspection

(a) During the term of a vessel's certificate of inspection, the vessel must be in compliance with its conditions, unless relieved by a suspension or an exemption granted under section 3306(e) of this title.

(b) When a vessel is not in compliance with its certificate or fails to meet a standard prescribed by this part or a regulation prescribed under this part—

(1) the owner, charterer, managing operator, agent, master, or individual in charge shall be ordered in writing to correct the noted deficiencies promptly;

(2) the Secretary may permit any repairs to be made at a place most convenient to the owner, charterer, or managing operator when the Secretary decides the repairs can be made with safety to those on board and the vessel;

(3) the vessel may be required to cease operating at once; and

(4) if necessary, the certificate shall be suspended or revoked.

(c) The vessel's certificate of inspection shall be revoked if a condition unsafe to life that is ordered to be corrected under this section is not corrected at once.

(d) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel whose certificate has been suspended or revoked shall be given written notice immediately of the suspension or revocation. The owner or master may appeal to the Secretary the suspension or revocation within 30 days of receiving the notice, as provided by regulations prescribed by the Secretary.

Appeal to  
Secretary.



**§ 3314. Expiration of certificate of inspection**

(a) If the certificate of inspection of a vessel expires when the vessel is on a foreign voyage, the vessel may complete the voyage to a port of the United States within 30 days of the expiration of the certificate without incurring the penalties for operating without a certificate of inspection.

(b) If the certificate of inspection would expire within 15 days of sailing on a foreign voyage from a United States port, the vessel shall secure a new certificate of inspection before sailing, unless the voyage is scheduled to be completed prior to the expiration date of the certificate. If a voyage scheduled to be completed in that time is not so completed, the applicable penalties may be enforced unless the failure to meet the schedule was beyond the control of the owner, charterer, managing operator, agent, master, or individual in charge of the vessel.

(c) When the certificate of inspection of a foreign vessel carrying passengers, operated on a regularly established line, expires at sea after leaving the country to which it belongs or when the vessel is in the United States, the Secretary may permit the vessel to sail on its regular route without further inspection than would have been required had the certificate not expired. This permission applies only when the vessel will be regularly inspected and issued a certificate before the vessel's next return to the United States.

**§ 3315. Disclosure of defects and protection of informants**

*Post*, p. 538.

(a) Each individual licensed under part E of this subtitle shall assist in the inspection or examination under this part of the vessel on which the individual is serving, and shall point out defects and imperfections known to the individual in matters subject to regulations and inspection. The individual also shall make known to officials designated to enforce this part, at the earliest opportunity, any marine casualty producing serious injury to the vessel, its equipment, or individuals on the vessel.

(b) An official may not disclose the name of an individual providing information under this section, or the source of the information, to a person except a person authorized by the Secretary. An official violating this subsection is liable to disciplinary action under applicable law.

**§ 3316. United States classification societies**

Issuances by  
American  
Bureau  
of Shipping.

(a) In carrying out this part, the Secretary may rely on reports, documents, and certificates issued by the American Bureau of Shipping or a similar United States classification society, or an agent of the Bureau or society.

Appointment of  
representatives  
to Bureau.

(b) Each department, agency, and instrumentality of the United States Government shall recognize the Bureau as its agent in classifying vessels owned by the Government and in matters related to classification, as long as the Bureau is maintained as an organization having no capital stock and paying no dividends. The Secretary and the Secretary of Transportation each shall appoint one representative (except when the Secretary is the Secretary of Transportation, in which case the Secretary shall appoint both representatives) who shall represent the Government on the executive committee of the Bureau. The Bureau shall agree that the representatives shall be accepted by it as active members of the committee. The repre-

Compensation.

sentatives shall serve without compensation, except for necessary traveling expenses.

(c)(1) To the maximum extent practicable, the Secretary may delegate to the Bureau or a similar United States classification society, or an agent of the Bureau or society, the inspection or examination, in the United States or in a foreign country, of a vessel documented or to be documented as a vessel of the United States. The Bureau, society, or agent may issue the certificate of inspection required by this part and other certificates essential to documentation.

Delegation of inspection or examination.

(2) When an inspection or examination has been delegated under this subsection, the Secretary's delegate—

(A) shall maintain in the United States complete files of all information derived from or necessarily connected with the inspection or examination for at least 2 years after the vessel ceases to be certified; and

(B) shall permit access to those files at all reasonable times to any officer, employee, or member of the Coast Guard designated—

(i) as a marine inspector and serving in a position as a marine inspector; or

(ii) in writing by the Secretary to have access to those files.

(d) The Secretary also may make an agreement with or use the Bureau or a similar United States classification society, or an agent of the Bureau or society, for reviewing and approving plans required for issuing a certificate of inspection.

Plans, review and approval.

#### § 3317. Fees

(a) The Secretary may prescribe by regulation fees for inspecting or examining a small passenger vessel or a sailing school vessel.

(b) When an inspection or examination under this chapter of a documented vessel is conducted at a foreign port or place at the request of the owner or managing operator of the vessel, the owner or operator shall reimburse the Secretary for the travel and subsistence expenses incurred by the personnel assigned to perform the inspection or examination. Amounts received as reimbursement for these expenses shall be credited to the appropriation for operating expenses of the Coast Guard.

#### § 3318. Penalties

(a) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel operated in violation of this part or a regulation prescribed under this part, and a person violating a regulation that applies to a small passenger vessel, freight vessel of less than 100 gross tons, or sailing school vessel, are liable to the United States Government for a civil penalty of \$1,000, except that when the violation involves operation of a barge, the penalty is \$500. The vessel also is liable in rem for the penalty.

(b) A person that knowingly manufactures, sells, offers for sale, or possesses with intent to sell, any equipment subject to this part, and the equipment is so defective as to be insufficient to accomplish the purpose for which it is intended, shall be fined not more than \$10,000, imprisoned for not more than 5 years, or both.

(c) A person that employs a means or device whereby a boiler may be subjected to a pressure greater than allowed by the terms of the

vessel's certificate of inspection shall be fined not more than \$2,000, imprisoned for not more than 5 years, or both.

(d) A person that deranges or hinders the operation of any machinery or device employed on a vessel to denote the state of steam or water in any boiler or to give warning of approaching danger, or permits the water level of any boiler when in operation of a vessel to fall below its prescribed low-water line, shall be fined not more than \$2,000, imprisoned for not more than 5 years, or both.

(e) A person that alters, defaces, obliterates, removes, or destroys any plans or specifications required by and approved under a regulation prescribed under section 3306 of this title, with intent to deceive or impede any official of the United States in carrying out that official's duties, shall be fined not more than \$2,000, imprisoned for not more than 2 years, or both.

(f) A person shall be fined not less than \$1,000 but not more than \$5,000, and imprisoned for not less than 2 years but not more than 5 years, if the person—

(1) forges or counterfeits with intent to make it appear genuine any mark or stamp prescribed for material to be tested and approved under section 3306 of this title or a regulation prescribed under section 3306;

(2) knowingly uses, affixes, or causes to be used or affixed, any such forged or counterfeited mark or stamp to or on material of any description;

(3) with fraudulent intent, possesses any such mark, stamp, or other device knowing it to be forged or counterfeited; or

(4) with fraudulent intent, marks or causes to be marked with the trademark or name of another, material required to be tested and approved under section 3306 of this title or a regulation prescribed under section 3306.

(g) A person shall be fined not more than \$10,000, imprisoned for not more than one year, or both, if the person—

(1) interferes with the inspection of a nautical school vessel;

(2) violates a regulation prescribed for a nautical school vessel;

(3) is an owner of a nautical school vessel operated in violation of this part; or

(4) is an officer or member of the board of directors of a school, organization, association, partnership, or corporation owning a nautical school vessel operated in violation of a regulation prescribed for a nautical school vessel.

(h) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel that fails to give the notice required by section 3304(b) of this title is liable to the United States Government for a civil penalty of not more than \$500. The vessel also is liable in rem for the penalty.

## CHAPTER 35—CARRIAGE OF PASSENGERS

### Sec.

3501. Number of passengers.

3502. List or count of passengers.

3503. Fire-retardant materials.

3504. Notification to passengers.

3505. Prevention of departure.

3506. Copies of laws.

**§ 3501. Number of passengers**

(a) Each certificate of inspection issued to a vessel carrying passengers (except a ferry), shall include a statement on the number of passengers that the vessel is permitted to carry.

(b) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel is liable to a person suing them for carrying more passengers than the number of passengers permitted by the certificate of inspection in an amount equal to—

(1) passage money; and

(2) \$100 for each passenger in excess of the number of passengers permitted.

(c) An owner, charterer, managing operator, agent, master, or individual in charge of a vessel that knowingly violates subsection (b) of this section also shall be fined not more than \$100, imprisoned for not more than 30 days, or both.

(d) The vessel also is liable in rem for a penalty under this section.

(e) An offshore supply vessel may not carry passengers except in an emergency.

Fine and  
imprisonment.

**§ 3502. List or count of passengers**

(a) The owner, charterer, managing operator, master, or individual in charge of the following categories of vessels carrying passengers shall keep a correct list of passengers received and delivered from day to day:

(1) vessels arriving from foreign ports (except at United States Great Lakes ports from Canadian Great Lakes ports).

(2) seagoing vessels in the coastwise trade.

(3) passenger vessels making voyages of more than 300 miles on the Great Lakes except from a Canadian to a United States port.

(b) The master of a vessel carrying passengers (except a vessel listed in subsection (a) of this section) shall keep a correct count of all passengers received and delivered.

(c) Lists and counts required under this section shall be open to the inspection of designated officials of the Coast Guard and the Customs Service at all times. The total number of passengers shall be provided to the Coast Guard when requested.

(d) This section applies to a foreign vessel arriving at a United States port.

(e) The owner, charterer, managing operator, master, or individual in charge of a passenger vessel failing to make a list or count of passengers as required by this section is liable to the United States Government for a civil penalty of \$100. The vessel also is liable in rem for the penalty.

Civil penalty.

**§ 3503. Fire-retardant materials**

A passenger vessel of the United States having berth or stateroom accommodations for at least 50 passengers shall be granted a certificate of inspection only if the vessel is constructed of fire-retardant materials. Before November 1, 1988, this section does not apply to a vessel operating only on the inland rivers.

**§ 3504. Notification to passengers**

(a) A person selling passage on a foreign or domestic passenger vessel having berth or stateroom accommodations for at least 50 passengers and embarking passengers at United States ports for a

coastwise or an international voyage shall notify each prospective passenger of the safety standards applicable to the vessel in a manner prescribed by regulation.

Promotional literature or advertising.

(b) All promotional literature or advertising through any medium of communication in the United States offering passage or soliciting passengers for ocean voyages anywhere in the world shall include information similar to the information described in subsection (a) of this section, and shall specify the registry of each vessel named, as a part of the advertisement or description of the voyage. Except for the inclusion of the country of registry of the vessel, this subsection does not apply to voyages by vessels meeting the safety standards described in section 3505 of this title.

Civil penalty.

(c) A person violating this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of not more than \$10,000. If the violation involves the sale of tickets for passage, the owner, charterer, managing operator, agent, master, individual in charge, or any other person involved in each violation also is liable to the Government for a civil penalty of \$500 for each ticket sold. The vessel on which passage is sold also is liable in rem for a violation of this section or a regulation prescribed under this section.

### § 3505. Prevention of departure

Notwithstanding section 3303(a) of this title, a foreign or domestic vessel of more than 100 gross tons having berth or stateroom accommodations for at least 50 passengers may not depart from a United States port with passengers who are embarked at that port, if the Secretary finds that the vessel does not comply with the standards stated in the International Convention for the Safety of Life at Sea to which the United States Government is currently a party.

16 UST 185;  
TIAS 9700.

### § 3506. Copies of laws

Civil penalty.

A master of a passenger vessel shall keep on board a copy of this subtitle, to be provided by the Secretary at reasonable cost. If the master fails to do so, the master is liable to the United States Government for a civil penalty of \$200.

## CHAPTER 37—CARRIAGE OF LIQUID BULK DANGEROUS CARGOES

Sec.

- 3701. Definitions.
- 3702. Application.
- 3703. Regulations.
- 3704. Coastwise trade vessels.
- 3705. Crude oil tanker minimum standards.
- 3706. Product carrier minimum standards.
- 3707. Tanker minimum standards.
- 3708. Self-propelled tank vessel minimum standards.
- 3709. Exemptions.
- 3710. Evidence of compliance by vessels of the United States.
- 3711. Evidence of compliance by foreign vessels.
- 3712. Notification of noncompliance.
- 3713. Prohibited acts.
- 3714. Inspection and examination.
- 3715. Lightering.
- 3716. Tank washings.
- 3717. Marine safety information system.
- 3718. Penalties.

**§ 3701. Definitions**

In this chapter—

(1) “existing”, when referring to a type of vessel to which this chapter applies, means a vessel that is not a new vessel.

(2) “major conversion” means a conversion of an existing vessel that substantially changes the dimensions or carrying capacity of the vessel or changes the type of vessel or substantially prolongs its life or that otherwise so changes the vessel that it is essentially a new vessel, as decided by the Secretary.

(3) “new”, when referring to a type of vessel to which this chapter applies, means a vessel—

(A) for which the building contract is placed after June 1, 1979;

(B) in the absence of a building contract, the keel of which is laid, or which is at a similar stage of construction, after January 1, 1980;

(C) the delivery of which is after June 1, 1982; or

(D) that has undergone a major conversion under a contract made after June 1, 1979, or construction work that began after January 1, 1980, or was completed after June 1, 1982.

(4) “person” means an individual (even if not a citizen or national of the United States), a corporation, partnership, association, or other entity (even if not organized or existing under the laws of a State), the United States Government, a State or local government, a government of a foreign country, or an entity of one of those governments.

(5) “State”, in addition to its meaning under section 2101(36) of this title, includes the Trust Territory of the Pacific Islands.

(6) “United States”, in addition to its meaning under section 2101(44) of this title, includes the Trust Territory of the Pacific Islands.

**§ 3702. Application**

(a) Subject to subsections (b)–(e) of this section, this chapter applies to a tank vessel.

(b) This chapter does not apply to a documented vessel that would be subject to this chapter only because of the transfer of fuel from the fuel supply tanks of the vessel to offshore drilling or production facilities in the oil industry if the vessel is—

(1) not more than 500 gross tons;

(2) not a tanker; and

(3) in the service of oil exploitation.

(c) This chapter does not apply to a cannery tender, fishing tender, or fishing vessel of not more than 500 gross tons, used in the salmon or crab fisheries of Alaska, Oregon, or Washington, when engaged only in the fishing industry.

(d) This chapter does not apply to a vessel of not more than 5,000 gross tons used in processing and assembling fishery products of the fisheries of Alaska, Oregon, and Washington. However, the vessel is subject to regulation by the Secretary when carrying flammable or combustible liquid cargo in bulk.

(e) This chapter does not apply to a foreign vessel on innocent passage on the navigable waters of the United States.

**§ 3703. Regulations**

(a) The Secretary shall prescribe regulations for the design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels to which this chapter applies, that may be necessary for increased protection against hazards to life and property, for navigation and vessel safety, and for enhanced protection of the marine environment. The Secretary may prescribe different regulations applicable to vessels engaged in the domestic trade, and also may prescribe regulations that exceed standards set internationally. Regulations prescribed by the Secretary under this subsection are in addition to regulations prescribed under other laws that may apply to any of those vessels. Regulations prescribed under this subsection shall include requirements about—

- (1) superstructures, hulls, cargo holds or tanks, fittings, equipment, appliances, propulsion machinery, auxiliary machinery, and boilers;
- (2) the handling or stowage of cargo, the manner of handling or stowage of cargo, and the machinery and appliances used in the handling or stowage;
- (3) equipment and appliances for lifesaving, fire protection, and prevention and mitigation of damage to the marine environment;
- (4) the manning of vessels and the duties, qualifications, and training of the officers and crew;
- (5) improvements in vessel maneuvering and stopping ability and other features that reduce the possibility of marine casualties;
- (6) the reduction of cargo loss if a marine casualty occurs; and
- (7) the reduction or elimination of discharges during ballasting, deballasting, tank cleaning, cargo handling, or other such activity.

(b) In prescribing regulations under subsection (a) of this section, the Secretary shall consider the types and grades of cargo permitted to be on board a tank vessel.

(c) In prescribing regulations under subsection (a) of this section, the Secretary shall establish procedures for consulting with, and receiving and considering the views of—

- (1) interested departments, agencies, and instrumentalities of the United States Government;
- (2) officials of State and local governments;
- (3) representatives of port and harbor authorities and associations;
- (4) representatives of environmental groups; and
- (5) other interested parties knowledgeable or experienced in dealing with problems involving vessel safety, port and waterways safety, and protection of the marine environment.

**§ 3704. Coastwise trade vessels**

A segregated ballast tank, a crude oil washing system, or an inert gas system, required by this chapter or a regulation prescribed under this chapter, on a vessel entitled to engage in the coastwise trade under section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), shall be installed in the United States (except the trust territories). A vessel failing to comply with this section may not engage in the coastwise trade.

Procedures for consultation and consideration of views.

Noncompliance.

**§ 3705. Crude oil tanker minimum standards**

(a) A new crude oil tanker of at least 20,000 deadweight tons shall be equipped with—

- (1) protectively located segregated ballast tanks;
- (2) a crude oil washing system; and
- (3) a cargo tank protection system consisting of a fixed deck froth system and a fixed inert gas system.

(b)(1) An existing crude oil tanker of at least 40,000 deadweight tons shall be equipped with—

- (A) segregated ballast tanks; or
- (B) a crude oil washing system.

(2) Compliance with paragraph (1) of this subsection may be delayed until June 1, 1985, for any tanker of less than 70,000 deadweight tons that has dedicated clean ballast tanks.

(c) An existing crude oil tanker of at least 20,000 deadweight tons but less than 40,000 deadweight tons, and at least 15 years of age, shall be equipped with segregated ballast tanks or a crude oil washing system before January 2, 1986, or the date on which the tanker reaches 15 years of age, whichever is later.

(d) An existing crude oil tanker of at least 20,000 deadweight tons shall be equipped with an inert gas system. However, for a crude oil tanker of less than 40,000 deadweight tons not fitted with high capacity tank washing machines, the Secretary may grant an exemption if the vessel's owner can show clearly that compliance would be unreasonable and impracticable due to the vessel's design characteristics.

Exemption.

(e) A crude oil tanker engaged in transferring oil from an offshore oil exploitation or production facility on the Outer Continental Shelf of the United States shall be equipped with segregated ballast tanks, or may operate with dedicated clean ballast tanks or special ballast arrangements. However, the tanker shall comply with other applicable minimum standards of this section.

**§ 3706. Product carrier minimum standards**

(a) A new product carrier of at least 30,000 deadweight tons shall be equipped with protectively located segregated ballast tanks.

(b) A new product carrier of at least 20,000 deadweight tons shall be equipped with a cargo tank protection system consisting of a fixed deck froth system and a fixed inert gas system or, if the product carrier carries dedicated products incompatible with the cargo tank protection system, an alternate protection system authorized by the Secretary.

(c) An existing product carrier of at least 40,000 deadweight tons shall be equipped with segregated ballast tanks or may operate with dedicated clean ballast tanks.

(d) An existing product carrier of at least 20,000 deadweight tons but less than 40,000 deadweight tons, and at least 15 years of age, shall be equipped with segregated ballast tanks or may operate with dedicated clean ballast tanks before January 2, 1986, or the date on which it reaches 15 years of age, whichever is later.

(e) An existing product carrier of at least 40,000 deadweight tons, or an existing product carrier of at least 20,000 deadweight tons but less than 40,000 deadweight tons that is fitted with high-capacity tank washing machines, shall be equipped with an inert gas system.



**§ 3707. Tanker minimum standards**

(a) A new tanker of at least 10,000 gross tons shall be equipped with—

(1) 2 remote steering gear control systems operable separately from the navigating bridge;

(2) the main steering gear control in the steering gear compartment;

(3) means of communications and rudder angle indicators on the navigating bridge, a remote steering gear control station, and the steering gear compartment;

(4) at least 2 identical and adequate power units for the main steering gear;

(5) an alternative and adequate power supply, either from an emergency source of electrical power or from another independent source of power located in the steering gear compartment; and

(6) means of automatic starting and stopping of power units with attendant alarms at all steering stations.

(b) An existing tanker of at least 10,000 gross tons shall be equipped with—

(1) 2 remote steering gear control systems operable separately from the navigating bridge;

(2) the main steering gear control in the steering gear compartment; and

(3) means of communications and rudder angle indicators on the navigating bridge, a remote steering gear control station, and the steering gear compartment.

**§ 3708. Self-propelled tank vessel minimum standards**

A self-propelled tank vessel of at least 10,000 gross tons shall be equipped with—

(1) a dual radar system with short-range and long-range capabilities, each with true-north features;

(2) an electronic relative motion analyzer that is at least functionally equivalent to equipment complying with specifications established by the Secretary of Transportation;

(3) an electronic position-fixing device;

(4) adequate communications equipment;

(5) a sonic depth finder;

(6) a gyrocompass; and

(7) up-to-date charts.

**§ 3709. Exemptions**

The Secretary may exempt a vessel from the minimum requirements established by sections 3704-3706 of this title for segregated ballast, crude oil washing, and dedicated clean ballast if the Secretary decides that shore-based reception facilities are a preferred method of handling ballast and that adequate facilities are readily available.

**§ 3710. Evidence of compliance by vessels of the United States**

(a) A vessel of the United States to which this chapter applies that has on board oil or hazardous material in bulk as cargo or cargo residue must have a certificate of inspection issued under this part, endorsed to indicate that the vessel complies with regulations prescribed under this chapter.

(b) Each certificate endorsed under this section is valid for not more than 24 months and may be renewed as specified by the Secretary. In appropriate circumstances, the Secretary may issue a temporary certificate valid for not more than 30 days. A certificate shall be suspended or revoked if the Secretary finds that the vessel does not comply with the conditions under which the certificate was issued.

Temporary  
certificate.

#### § 3711. Evidence of compliance by foreign vessels

(a) A foreign vessel to which this chapter applies may operate on the navigable waters of the United States, or transfer oil or hazardous material in a port or place under the jurisdiction of the United States, only if the vessel has been issued a certificate of compliance by the Secretary. The Secretary may issue the certificate only after the vessel has been examined and found to be in compliance with this chapter and regulations prescribed under this chapter. The Secretary may accept any part of a certificate, endorsement, or document, issued by the government of a foreign country under a treaty, convention, or other international agreement to which the United States is a party, as a basis for issuing a certificate of compliance.

(b) A certificate issued under this section is valid for not more than 24 months and may be renewed as specified by the Secretary. In appropriate circumstances, the Secretary may issue a temporary certificate valid for not more than 30 days.

Temporary  
certificate.

(c) A certificate shall be suspended or revoked if the Secretary finds that the vessel does not comply with the conditions under which the certificate was issued.

#### § 3712. Notification of noncompliance

The Secretary shall notify the owner, charterer, managing operator, agent, master, or individual in charge of a vessel found not to be in compliance with a regulation prescribed under this part and state how compliance may be achieved.

#### § 3713. Prohibited acts

(a) A person may not—

(1) violate this chapter or a regulation prescribed under this chapter;

(2) refuse to permit any official, authorized by the Secretary to enforce this chapter, to board a vessel or to enter a shore area, place, or premises, under a person's control to make an inspection under this chapter; or

(3) refuse to obey a lawful directive issued under this chapter.

(b) A vessel to which this chapter applies may not—

(1) operate on the navigable waters of the United States or use a port or place subject to the jurisdiction of the United States when not in compliance with this chapter or a regulation prescribed under this chapter;

(2) fail to comply with a lawful directive issued under this chapter; or

(3) carry a type or grade of oil or hazardous material in bulk as cargo or cargo residue unless its certificate is endorsed to allow that carriage.

**§ 3714. Inspection and examination**

(a)(1) The Secretary shall have each vessel to which this chapter applies inspected or examined at least once each year.

(2) Each of those vessels that is more than 10 years of age shall undergo a special and detailed inspection of structural strength and hull integrity as specified by the Secretary.

Contracts.

(3) The Secretary may make contracts for conducting inspections or examinations in the United States and in foreign countries. An inspector conducting an inspection or examination under contract may not issue a certificate of inspection or a certificate of compliance, but the inspector may issue a temporary certificate.

Regulations on fees.

(4) The Secretary shall prescribe by regulation reasonable fees for an inspection or examination conducted under this section outside the United States, or which, when involving a foreign vessel, is conducted under a contract authorized by paragraph (3) of this subsection. The owner, charter, or managing operator of a vessel inspected or examined by the Secretary is liable for the fees. Amounts received as fees shall be deposited in the Treasury.

(5) The Secretary may allow provisional entry of a vessel to conduct an inspection or examination under this chapter.

Necessary documents.

(b) Each vessel to which this chapter applies shall have on board those documents the Secretary considers necessary for inspection and enforcement, including documents listing—

(1) the type, grade, and approximate quantities of cargo on board;

(2) the shipper and consignee of the cargo;

(3) the places of origin and destination of the vessel; and

(4) the name of an agent in the United States authorized to accept service of legal process.

(c) Each vessel to which this chapter applies that operates in the United States shall have a person designated as authorized to accept service of legal process for the vessel.

**§ 3715. Lightering**

(a) A vessel may transfer oil or hazardous material in a port or place subject to the jurisdiction of the United States, when the cargo has been transferred from another vessel on the navigable waters of the United States or in the marine environment, only if—

(1) the transfer was conducted consistent with regulations prescribed by the Secretary; and

(2) both the delivering and receiving vessels had on board, at the time of transfer, a certificate of inspection or a certificate of compliance, as would have been required under section 3710 or 3711 of this title, had the transfer taken place in a port or place subject to the jurisdiction of the United States.

Regulations.

(b) The Secretary shall prescribe regulations to carry out subsection (a) of this section. The regulations shall include provisions on—

(1) minimum safe operating conditions, including sea state, wave height, weather, proximity to channels or shipping lanes, and other similar factors;

(2) the prevention of spills;

(3) equipment for responding to a spill;

(4) the prevention of any unreasonable interference with navigation or other reasonable uses of the high seas, as those uses are defined by treaty, convention, or customary international law;

- (5) the establishment of lightering zones; and
- (6) requirements for communication and prearrival messages.

### § 3716. Tank washings

(a) A vessel may not transfer cargo in a port or place subject to the jurisdiction of the United States if, before arriving, the vessel has discharged tank washings containing oil or hazardous material in preparation for loading at that port or place in violation of the laws of the United States or in a manner or quantities inconsistent with a treaty to which the United States is a party.

(b) The Secretary shall establish effective control and supervisory measures to carry out this section.

Control and supervisory measures.

### § 3717. Marine safety information system

(a) The Secretary shall establish a marine safety information system that shall contain information about each vessel to which this chapter applies that operates on the navigable waters of the United States, or that transfers oil or hazardous material in a port or place under the jurisdiction of the United States. In acquiring this information; the Secretary shall make full use of publicly available information. The Secretary may by regulation require the vessel to provide information that the Secretary considers necessary to carry out this subsection, including—

- (1) the name of each person with an ownership interest in the vessel;
- (2) details of compliance with the financial responsibility requirements of applicable laws or regulations;
- (3) registration information, including all changes in the name of the vessel;
- (4) the history of marine casualties and serious repair problems of the vessel; and
- (5) a record of all inspections and examinations of a vessel conducted under section 3714 of this title.

(b) On written request from the Secretary, the head of each department, agency, or instrumentality of the United States Government shall provide available information that the Secretary considers necessary to confirm the information received under subsection (a) of this section.

Information confirmation.

### § 3718. Penalties

(a)(1) A person violating this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of not more than \$25,000. Each day of a continuing violation is a separate violation.

(2) Each vessel to which this chapter applies that is operated in violation of this chapter or a regulation prescribed under this chapter is liable in rem for a civil penalty under this subsection.

(b) A person willfully and knowingly violating this chapter or a regulation prescribed under this chapter shall be fined not more than \$50,000, imprisoned for not more than 5 years, or both.

(c) Instead of the penalties provided by subsection (b) of this section, a person willfully and knowingly violating this chapter or a regulation prescribed under this chapter, and using a dangerous weapon, or engaging in conduct that causes bodily injury or fear of imminent bodily injury to an official authorized to enforce this chapter or a regulation prescribed under this chapter, shall be fined

District court  
jurisdiction.

not more than \$100,000, imprisoned for not more than 10 years, or both.

(d) The district courts of the United States have jurisdiction to restrain a violation of this chapter or a regulation prescribed under this chapter.

(e) At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) of a vessel the owner or operator of which is subject to a penalty under this section. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.

## CHAPTER 39—CARRIAGE OF ANIMALS

Sec.

3901. Regulations for accommodations for export animals.

3902. Penalties.

### § 3901. Regulations for accommodations for export animals

The Secretary of Agriculture may prescribe regulations governing the accommodations on board vessels for cattle, horses, mules, asses, sheep, goats, and swine to be carried from the United States to a foreign country. The regulations shall prescribe standards for space, ventilation, fittings, food and water supply, and other requirements the Secretary of Agriculture considers necessary for the safe and proper transportation and humane treatment of those animals. The Secretary of Agriculture may examine any vessel the Secretary of Agriculture considers necessary to carry out this chapter.

### § 3902. Penalties

When the owner, charterer, managing operator, agent, master, or individual in charge of a vessel carrying animals referred to in section 3901 of this title willfully violates, or causes or permits to be violated, a regulation prescribed under this chapter, the vessel may be prohibited from carrying any such animals from the United States for a period, of not more than one year, that the Secretary of Agriculture directs. The vessel may not be cleared from a port of the United States during that period.

## CHAPTER 41—UNINSPECTED VESSELS

Sec.

4101. Application.

4102. Safety equipment.

4103. Exemptions.

4104. Regulations.

4105. Uninspected passenger vessels.

4106. Penalties.

### § 4101. Application

This chapter applies to an uninspected vessel—

- (1) on the navigable waters of the United States; or
- (2) owned in the United States and operating on the high seas.

### § 4102. Safety equipment

(a) Each uninspected vessel propelled by machinery shall be provided with the number, type, and size of fire extinguishers, capable of promptly and effectively extinguishing burning liquid fuel, that may be prescribed by regulation. The fire extinguishers shall be

kept in condition for immediate and effective use and so placed as to be readily accessible.

(b) Each uninspected vessel propelled by machinery shall carry at least one readily accessible life preserver or other lifesaving device, of the type prescribed by regulation, for each individual on board.

(c) Each uninspected vessel shall have the carburetors of each engine of the vessel (except an outboard motor) using gasoline as fuel, equipped with an efficient flame arrestor, backfire trap, or other similar device prescribed by regulation.

(d) Each uninspected vessel using a volatile liquid as fuel shall be provided with the means prescribed by regulation for properly and efficiently ventilating the bilges of the engine and fuel tank compartments, so as to remove any explosive or flammable gases.

#### § 4103. Exemptions

Section 4102(a) of this title does not apply to a vessel propelled by outboard motors when competing in a race previously arranged and announced or, if the vessel is designed and intended only for racing, when operated incidental to tuning up the vessel and its engines for the race.

#### § 4104. Regulations

The Secretary shall prescribe regulations to carry out this chapter.

#### § 4105. Uninspected passenger vessels

Chapter 43 of this title applies to an uninspected passenger vessel. *Infra.*

#### § 4106. Penalties

If a vessel to which this chapter applies is operated in violation of this chapter or a regulation prescribed under this chapter, the owner, charterer, managing operator, agent, master, and individual in charge are each liable to the United States Government for a civil penalty of \$100. The vessel also is liable in rem for the penalty.

### CHAPTER 43—RECREATIONAL VESSELS

Sec.

4301. Application.

4302. Regulations.

4303. Inspection and testing.

4304. Importation of nonconforming vessels and equipment.

4305. Exemptions.

4306. Federal preemption.

4307. Prohibited acts.

4308. Termination of unsafe operation.

4309. Investigation and reporting.

4310. Repair and replacement of defects.

4311. Penalties and injunctions.

#### § 4301. Application

(a) This chapter applies to a recreational vessel and associated equipment carried in the vessel on waters subject to the jurisdiction of the United States and, for a vessel owned in the United States, on the high seas.

(b) Except when expressly otherwise provided, this chapter does not apply to a foreign vessel temporarily operating on waters subject to the jurisdiction of the United States.

(c) Until there is a final judicial decision that they are navigable waters of the United States, the following waters lying entirely in New Hampshire are declared not to be waters subject to the jurisdiction of the United States within the meaning of this section: Lake Winnisquam, Lake Winnepesaukee, parts of the Merrimack River, and their tributary and connecting waters.

#### § 4302. Regulations

(a) The Secretary may prescribe regulations—

(1) establishing minimum safety standards for recreational vessels and associated equipment, and establishing procedures and tests required to measure conformance with those standards, with each standard—

(A) meeting the need for recreational vessel safety; and

(B) being stated, insofar as practicable, in terms of performance;

(2) requiring the installation, carrying, or use of associated equipment (including fuel systems, ventilation systems, electrical systems, sound-producing devices, firefighting equipment, lifesaving devices, signaling devices, ground tackle, life- and grab-rails, and navigational equipment) on recreational vessels and classes of recreational vessels subject to this chapter, and prohibiting the installation, carrying, or use of associated equipment that does not conform with safety standards established under this section; and

(3) requiring or permitting the display of seals, labels, plates, insignia, or other devices for certifying or evidencing compliance with safety regulations and standards of the United States Government for recreational vessels and associated equipment.

(b) Each regulation prescribed under this section shall specify an effective date that is not earlier than 180 days from the date the regulation was published, unless the Secretary finds that there exists a recreational vessel safety hazard so critical as to require an earlier effective date. However, this period may not be more than 24 months for cases involving, in the discretion of the Secretary, major product design, retooling, or major changes in the manufacturing process.

(c) In prescribing regulations under this section, the Secretary shall, among other things—

(1) consider the need for and the extent to which the regulations will contribute to recreational vessel safety;

(2) consider relevant available recreational vessel safety standards, statistics, and data, including public and private research, development, testing, and evaluation;

(3) not compel substantial alteration of a recreational vessel or item of associated equipment that is in existence, or the construction or manufacture of which is begun before the effective date of the regulation, but subject to that limitation may require compliance or performance, to avoid a substantial risk of personal injury to the public, that the Secretary considers appropriate in relation to the degree of hazard that the compliance will correct; and

(4) consult with the National Boating Safety Advisory Council established under section 13110 of this title about the considerations referred to in clauses (1)–(3) of this subsection.

(d) Section 8903 of this title does not apply to a vessel being operated for bona fide dealer demonstrations provided without fee to

Effective  
date.

*Post*, p. 598.

*Post*, p. 555.

business invitees. However, if on the basis of substantial evidence, the Secretary decides under this section that requiring vessels so operated to be under the control of licensed individuals is necessary for boating safety, then the Secretary may prescribe regulations requiring the licensing of individuals controlling these vessels in the same manner as provided in chapter 89 of this title for individuals in control of vessels carrying passengers for hire.

*Post*, p. 555.

#### **§ 4303. Inspection and testing**

(a) Subject to regulations, supervision, and reviews that the Secretary may prescribe, the Secretary may delegate to a person, private or public agency, or organization, or to an officer or employee under the supervision of that person or agency, any work, business, or function related to the testing, inspection, and examination necessary for compliance enforcement and for the development of data to enable the Secretary to prescribe regulations under section 4302 of this title.

(b) The Secretary may—

- (1) conduct research, testing, and development necessary to carry out this chapter, including the procurement by negotiation or otherwise of experimental and other recreational vessels or associated equipment for research and testing purposes; and
- (2) subsequently sell those vessels.

#### **§ 4304. Importation of nonconforming vessels and equipment**

The Secretary and the Secretary of the Treasury may authorize by joint regulations the importation of any nonconforming recreational vessel or associated equipment on conditions, including providing a bond, that will ensure that the recreational vessel or associated equipment will be brought into conformity with applicable safety regulations and standards of the Government before the vessel or equipment is operated on waters subject to the jurisdiction of the United States.

#### **§ 4305. Exemptions**

If the Secretary considers that recreational vessel safety will not be adversely affected, the Secretary may issue an exemption from this chapter or a regulation prescribed under this chapter.

#### **§ 4306. Federal preemption**

Unless permitted by the Secretary under section 4305 of this title, a State or political subdivision of a State may not establish, continue in effect, or enforce a law or regulation establishing a recreational vessel or associated equipment performance or other safety standard or imposing a requirement for associated equipment (except insofar as the State or political subdivision may, in the absence of the Secretary's disapproval, regulate the carrying or use of marine safety articles to meet uniquely hazardous conditions or circumstances within the State) that is not identical to a regulation prescribed under section 4302 of this title.

#### **§ 4307. Prohibited acts**

(a) A person may not—

- (1) manufacture, construct, assemble, sell or offer for sale, introduce or deliver for introduction into interstate commerce, or import into the United States, a recreational vessel, associated equipment, or component of the vessel or equipment unless—



(A) it conforms with this chapter or a regulation prescribed under this chapter; or

(B) it is intended only for export and is so labeled, tagged, or marked on the recreational vessel or equipment, including any markings on the outside of the container in which it is to be exported;

(2) affix, attach, or display a seal, document, label, plate, insignia, or other device indicating or suggesting compliance with standards of the United States Government on, in, or in connection with, a recreational vessel or item of associated equipment that is false or misleading; or

(3) fail to provide a notification as required by this chapter or fail to exercise reasonable diligence in carrying out the notification and reporting requirements of this chapter.

(b) A person may not operate a vessel in violation of this chapter or a regulation prescribed under this chapter.

#### § 4308. Termination of unsafe operation

If an official charged with the enforcement of this chapter observes a recreational vessel being operated without sufficient lifesaving or firefighting devices or in an overloaded or other unsafe condition (as defined in regulations prescribed under this chapter) and, in the judgment of the official, the operation creates an especially hazardous condition, the official may direct the operator of the recreational vessel to take immediate and reasonable steps necessary for the safety of individuals on board the vessel, including directing the operator to return to a mooring and to remain there until the situation creating the hazard is corrected or ended.

#### § 4309. Investigation and reporting

(a) A recreational vessel manufacturer to whom this chapter applies shall establish and maintain records and reports and provide information the Secretary may require to enable the Secretary to decide whether the manufacturer has acted or is acting in compliance with this chapter and regulations prescribed under this chapter. On request of an officer, employee, or agent authorized by the Secretary, a recreational vessel manufacturer shall permit the officer, employee, or agent to inspect, at reasonable times, factories or other facilities, and records related to deciding whether the manufacturer has acted or is acting in compliance with this chapter and regulations prescribed under this chapter.

(b) Information reported to or otherwise obtained by the Secretary or the representative of the Secretary under this section containing or related to a trade secret or other matter referred to in section 1905 of title 18, or authorized to be exempt from public disclosure by section 552(b) of title 5, is confidential under section 1905. However, on approval of the Secretary, the information may be disclosed to other officers, employees, or agents concerned with carrying out this chapter or when it is relevant in a proceeding under this chapter.

#### § 4310. Repair and replacement of defects

(a) In this section, "associated equipment" includes only items or classes of associated equipment that the Secretary shall prescribe by regulation after deciding that the application of the requirements of this section to those items or classes of associated equipment is reasonable and in furtherance of this chapter.

Trade secrets and other confidential information, disclosure.  
18 USC 1905.  
5 USC 552,  
18 USC 1905.

"Associated equipment."

(b) If a recreational vessel or associated equipment has left the place of manufacture and the recreational vessel manufacturer discovers or acquires information that the manufacturer decides, in the exercise of reasonable and prudent judgment, indicates that a recreational vessel or associated equipment subject to an applicable regulation prescribed under section 4302 of this title either fails to comply with the regulation, or contains a defect that creates a substantial risk of personal injury to the public, the manufacturer shall provide notification of the defect or failure of compliance as provided by subsections (c) and (d) of this section within a reasonable time after the manufacturer has discovered the defect.

Notification of defect or failure of compliance.

(c)(1) The notification required by subsection (b) of this section shall be given to the following persons in the following manner:

Persons to be notified.

(A) by certified mail to the first purchaser for other than resale, except that the requirement for notification of the first purchaser shall be satisfied if the recreational vessel manufacturer exercises reasonable diligence in establishing and maintaining a list of those purchasers and their current addresses, and sends the required notice to each person on that list at the address appearing on the list.

(B) by certified mail to subsequent purchasers if known to the manufacturer.

(C) by certified mail or other more expeditious means to the dealers and distributors of the recreational vessels or associated equipment.

(2) The notification required by subsection (b) of this section is required to be given only for a defect or failure of compliance discovered by the recreational vessel manufacturer within a reasonable time after the manufacturer has discovered the defect or failure, except that the manufacturer's duty of notification under paragraph (1) (A) and (B) of this subsection applies only to a defect or failure of compliance discovered by the manufacturer within one of the following appropriate periods:

(A) if a recreational vessel or associated equipment required by regulation to have a date of certification affixed, 5 years from the date of certification.

(B) if a recreational vessel or associated equipment not required by regulation to have a date of certification affixed, 5 years from the date of manufacture.

(d) The notification required by subsection (b) of this section shall contain a clear description of the defect or failure to comply, an evaluation of the hazard reasonably related to the defect or failure, a statement of the measures to correct the defect or failure, and an undertaking by the recreational vessel manufacturer to take those measures only at the manufacturer's cost and expense.

Notification contents.

(e) Each recreational vessel manufacturer shall provide the Secretary with a copy of all notices, bulletins, and other communications to dealers and distributors of that manufacturer, and to purchasers of recreational vessels or associated equipment of that manufacturer, about a defect related to safety in the recreational vessels or associated equipment, and any failure to comply with the regulation or order applicable to the recreational vessels or associated equipment. The Secretary may publish or otherwise disclose to the public information in the notices or other information the Secretary has that the Secretary considers will assist in carrying out this chapter. However, the Secretary may disclose any information that contains

Information disclosure.

Notification  
of manufacturer  
by Secretary.

or relates to a trade secret only if the Secretary decides that the information is necessary to carry out this chapter.

(f) If, through testing, inspection, investigation, or examination of reports, the Secretary decides that a recreational vessel or associated equipment to which this chapter applies contains a defect related to safety or fails to comply with an applicable regulation prescribed under this chapter and notification under this chapter is appropriate, the Secretary shall notify the recreational vessel manufacturer of the defect or failure. The notice shall contain the findings of the Secretary and shall include a synopsis of the information on which they are based. The manufacturer may then provide the notification required by this chapter to the persons designated in this chapter or dispute the Secretary's decision. If disputed, the Secretary shall provide the manufacturer with an opportunity to present views and establish that there is no such defect or failure. When the Secretary considers it to be in the public interest, the Secretary may publish notice of the proceeding in the Federal Register and provide interested persons, including the National Boating Safety Advisory Council, with an opportunity to comment. If, after presentation by the manufacturer, the Secretary decides that the recreational vessel or associated equipment contains a defect related to safety or fails to comply with an applicable regulation, the Secretary may direct the manufacturer to provide the notifications specified in this chapter.

Publication in  
Federal  
Register.

(g) The Secretary may prescribe regulations to carry out this section, including the establishment of procedures that require dealers and distributors to assist manufacturers in obtaining information required by this section. A regulation prescribed under this subsection does not relieve a manufacturer of any obligation imposed by this section.

#### § 4311. Penalties and injunctions

(a) A person willfully operating a recreational vessel in violation of this chapter or a regulation prescribed under this chapter shall be fined not more than \$5,000, imprisoned for not more than one year, or both.

(b) A person violating section 4307(a)(1) of this title is liable to the United States Government for a civil penalty of not more than \$2,000, except that the maximum civil penalty may be not more than \$100,000 for a related series of violations. When a corporation violates section 4307(a)(1), any director, officer, or executive employee of the corporation who knowingly and willfully ordered, or knowingly and willfully authorized, a violation is individually liable to the Government for the penalty, in addition to the corporation. However, the director, officer, or executive employee is not liable individually under this subsection if the director, officer, or executive employee can demonstrate by a preponderance of the evidence that—

(1) the order or authorization was issued on the basis of a decision, in exercising reasonable and prudent judgment, that the nonconformity with standards and regulations constituting the violation would not cause or constitute a substantial risk of personal injury to the public; and

(2) at the time of the order or authorization, the director, officer, or executive employee advised the Secretary in writing of acting under this clause and clause (1) of this subsection.

(c) A person violating any other provision of this chapter or other regulation prescribed under this chapter is liable to the Government for a civil penalty of not more than \$1,000. If the violation involves the operation of a vessel, the vessel also is liable in rem for the penalty.

(d) When a civil penalty of not more than \$200 has been assessed under this chapter, the Secretary may refer the matter of collection of the penalty directly to the United States magistrate of the jurisdiction in which the person liable may be found for collection procedures under supervision of the district court and under an order issued by the court delegating this authority under section 636(b) of title 28.

Collection.

28 USC 636.

(e) The district courts of the United States have jurisdiction to restrain a violation of this chapter, or to restrain the sale, offer for sale, introduction or delivery for introduction into interstate commerce, or importation into the United States, of a recreational vessel or associated equipment that the court decides does not conform to safety standards of the Government. A civil action under this subsection shall be brought by filing a petition by the Attorney General for the Government. When practicable, the Secretary shall give notice to a person against whom an action for injunctive relief is contemplated and provide the person with an opportunity to present views and, except for a knowing and willful violation, shall provide the person with a reasonable opportunity to achieve compliance. The failure to give notice and provide the opportunity does not preclude the granting of appropriate relief by the district court.

Notification.

(f) A person is not subject to a penalty under this chapter if the person—

(1) establishes that the person did not have reason to know, in exercising reasonable care, that a recreational vessel or associated equipment does not conform with the applicable safety standards of the Government; or

(2) holds a certificate issued by the manufacturer of that recreational vessel or associated equipment to the effect that the recreational vessel or associated equipment conforms to all applicable recreational vessel safety standards of the Government, unless the person knows or reasonably should have known that the recreational vessel or associated equipment does not so conform.

(g) Compliance with this chapter or standards, regulations, or orders prescribed under this chapter does not relieve a person from liability at common law or under State law.

#### [PART C—RESERVED FOR LOAD LINES OF VESSELS]

#### PART D—MARINE CASUALTIES

### CHAPTER 61—REPORTING MARINE CASUALTIES

Sec.

6101. Marine casualties and reporting.

6102. State marine casualty reporting system.

6103. Penalty.

**§ 6101. Marine casualties and reporting**

Regulations.

(a) The Secretary shall prescribe regulations on the marine casualties and incidents to be reported and the manner of reporting. The regulations shall require reporting the following marine casualties:

- (1) death of an individual.
- (2) serious injury to an individual.
- (3) material loss of property.
- (4) material damage affecting the seaworthiness or efficiency of the vessel.

(b) A marine casualty shall be reported within 5 days as provided in this part and regulations prescribed under this part.

(c) When the owner, charterer, managing operator, or agent of a vessel of the United States has reason to believe (because of lack of communication with or nonappearance of a vessel or any other incident) that the vessel may have been lost or imperiled, the owner, charterer, managing operator, or agent immediately shall attempt to determine the status of the vessel. If the owner, charterer, managing operator, or agent cannot determine the status of the vessel, the owner, charterer, managing operator, or agent immediately shall notify the Coast Guard and provide the name and identification number of the vessel, the names of individuals on board, and any other information that may be requested by the Coast Guard.

(d) This part applies to a foreign vessel when involved in a marine casualty on the navigable waters of the United States.

(e) A marine casualty not resulting in the death of an individual shall be classified according to the gravity of the casualty, as prescribed by regulation, giving consideration to the extent of injuries to individuals, the extent of property damage, the dangers that the casualty creates, and the size, occupation, and means of propulsion of each vessel involved.

**§ 6102. State marine casualty reporting system**

Regulations.

(a) The Secretary shall prescribe regulations for a uniform State marine casualty reporting system for vessels. Regulations shall prescribe the casualties to be reported and the manner of reporting. A State shall compile and submit to the Secretary reports, information, and statistics on casualties reported to the State.

(b) The Secretary shall collect, analyze, and publish reports, information, and statistics on marine casualties together with findings and recommendations the Secretary considers appropriate. If a State marine casualty reporting system provides that information derived from casualty reports (except statistical information) may not be publicly disclosed, or otherwise prohibits use by the State or any person in any action or proceeding against a person, the Secretary may use the information provided by the State only in the same way that the State may use the information.

**§ 6103. Penalty**

An owner, charterer, managing operator, agent, master, or individual in charge of a vessel failing to report a casualty or incident as required under section 6101 of this title or a regulation prescribed under section 6101 is liable to the United States Government for a civil penalty of \$1,000.

## CHAPTER 63—INVESTIGATING MARINE CASUALTIES

Sec.

6301. Investigation of marine casualties.

6302. Public investigations.

6303. Rights of parties in interest.

6304. Subpena authority.

6305. Reports of investigations.

6306. Penalty.

6307. Notifications to Congress.

### § 6301. Investigation of marine casualties

The Secretary shall prescribe regulations for the immediate investigation of marine casualties under this part to decide, as closely as possible—

Regulations.

(1) the cause of the casualty, including the cause of any death;

(2) whether an act of misconduct, incompetence, negligence, unskillfulness, or willful violation of law committed by any individual licensed, certificated, or documented under part E of this subtitle has contributed to the cause of the casualty, or to a death involved in the casualty, so that appropriate remedial action under chapter 77 of this title may be taken;

Post, p. 538.

(3) whether an act of misconduct, incompetence, negligence, unskillfulness, or willful violation of law committed by any person, including an officer, employee, or member of the Coast Guard, contributed to the cause of the casualty, or to a death involved in the casualty;

Post, p. 546.

(4) whether there is evidence that an act subjecting the offender to a civil penalty under the laws of the United States has been committed, so that appropriate action may be undertaken to collect the penalty;

(5) whether there is evidence that a criminal act under the laws of the United States has been committed, so that the matter may be referred to appropriate authorities for prosecution; and

(6) whether there is need for new laws or regulations, or amendment or repeal of existing laws or regulations, to prevent the recurrence of the casualty.

### § 6302. Public investigations

Each investigation conducted under this chapter and regulations prescribed under this chapter shall be open to the public, except when evidence affecting the national security is to be received.

### § 6303. Rights of parties in interest

In an investigation conducted under this chapter, the following shall be allowed to be represented by counsel, to cross-examine witnesses, and to call witnesses:

(1) an owner,

(2) any holder of a license or certificate of registry,

(3) any holder of a merchant mariner's document,

(4) any other person whose conduct is under investigation,

and

(5) any other party in interest.

**§ 6304. Subpena authority**

(a) In an investigation under this chapter, the attendance and testimony of witnesses, including parties in interest, and the production of any evidence may be compelled by subpoena. The subpoena authority granted by this section is coextensive with that of a district court of the United States, in civil matters, for the district in which the investigation is conducted.

(b) When a person fails to obey a subpoena issued under this section, the district court of the United States for the district in which the investigation is conducted or in which the person failing to obey is found, shall on proper application issue an order directing that person to comply with the subpoena. The court may punish as contempt any disobedience of its order.

(c) A witness complying with a subpoena issued under this section may be paid for actual travel and attendance at the rate provided for witnesses in the district courts of the United States.

(d) An official designated to conduct an investigation under this part may issue subpoenas as provided in this section and administer oaths to witnesses.

**§ 6305. Reports of investigations**

Regulations.

(a) The Secretary shall prescribe regulations about the form and manner of reports of investigations conducted under this part.

Public availability.

(b) Reports of investigations conducted under this part shall be made available to the public, except to the extent that they contain information related to the national security.

**§ 6306. Penalty**

A person attempting to coerce a witness, or to induce a witness, to testify falsely in connection with a marine casualty, or to induce a witness to leave the jurisdiction of the United States, shall be fined \$5,000, imprisoned for one year, or both.

**§ 6307. Notifications to Congress**

(a) The Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives of any hearing, before the hearing occurs, investigating a major marine casualty involving a death under section 6301 of this title.

(b) The Secretary shall submit to a committee referred to in subsection (a) of this section information on a major marine casualty that is requested by that committee or the chairman of the committee if the submission of that information is not prohibited by a law of the United States.

Annual summary.

(c) The Secretary shall submit annually to Congress a summary of the marine casualties reported during the prior fiscal year, together with a brief statement of action taken concerning those casualties.

**PART E—LICENSES, CERTIFICATES, AND MERCHANT MARINERS'  
DOCUMENTS**

**CHAPTER 71—LICENSES AND CERTIFICATES OF  
REGISTRY**

Sec.

7101. Issuing and classifying licenses and certificates of registry.

- 7102. Citizenship.
- 7103. Licenses for radio officers.
- 7104. Certificates for medical doctors and nurses.
- 7105. Oaths.
- 7106. Duration of licenses.
- 7107. Duration of certificates of registry.
- 7108. Termination of licenses and certificates of registry.
- 7109. Renewal of licenses.
- 7110. Exhibiting licenses.
- 7111. Licenses for fishing vessels not subject to inspection.
- 7112. Licenses of masters or mates as pilots.
- 7113. Exemption from draft.
- 7114. Fees.

### § 7101. Issuing and classifying licenses and certificates of registry

(a) Licenses and certificates of registry are established for individuals who are required to hold licenses or certificates under this subtitle.

(b) Under regulations prescribed by the Secretary, the Secretary—

- (1) issues the licenses and certificates of registry; and
- (2) may classify the licenses and certificates of registry as provided in subsections (c) and (f) of this section, based on—
  - (A) the tonnage, means of propulsion, and horsepower of machine-propelled vessels;
  - (B) the waters on which vessels are to be operated; or
  - (C) other reasonable standards.

(c) The Secretary may issue licenses in the following classes to applicants found qualified as to age, character, habits of life, experience, professional qualifications, and physical fitness:

- (1) masters, mates, and engineers.
- (2) pilots.
- (3) operators.
- (4) radio officers.

(d) In classifying individuals under subsection (c)(1) of this section, the Secretary shall establish, when possible, suitable career patterns and service and other qualifying requirements appropriate to the particular service or industry in which the individuals are engaged.

(e) An individual may be issued a license under subsection (c)(2) of this section only if the applicant—

- (1) is at least 21 years of age;
- (2) is of sound health and has no physical limitations that would hinder or prevent the performance of a pilot's duties;
- (3) agrees to have a thorough physical examination each year while holding the license;
- (4) demonstrates, to the satisfaction of the Secretary, that the applicant has the requisite general knowledge and skill to hold the license;
- (5) demonstrates proficiency in the use of electronic aids to navigation;
- (6) maintains adequate knowledge of the waters to be navigated and knowledge of regulations for the prevention of collisions in those waters;
- (7) has sufficient experience, as decided by the Secretary, to evidence ability to handle any vessel of the type and size which the applicant may be authorized to pilot; and
- (8) meets any other requirement the Secretary considers reasonable and necessary.

Requirements.



(f) The Secretary may issue certificates of registry in the following classes to applicants found qualified as to character, knowledge, skill, and experience:

- (1) pursers.
- (2) medical doctors.
- (3) professional nurses.

#### **§ 7102. Citizenship**

Licenses and certificates of registry for individuals on documented vessels may be issued only to citizens of the United States.

#### **§ 7103. Licenses for radio officers**

(a) A license as radio officer may be issued only to an applicant who has a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

(b) Except as provided in section 7318 of this title, this part does not affect the status of radiotelegraph operators serving on board vessels operating only on the Great Lakes.

#### **§ 7104. Certificates for medical doctors and nurses**

A certificate of registry as a medical doctor or professional nurse may be issued only to an applicant who has a license as a medical doctor or registered nurse, respectively, issued by a State.

#### **§ 7105. Oaths**

An applicant for a license or certificate of registry shall take, before the issuance of the license or certificate, an oath before a designated official, without concealment or reservation, that the applicant will perform faithfully and honestly, according to the best skill and judgment of the applicant, all the duties required by law.

#### **§ 7106. Duration of licenses**

A license issued under this part is valid for 5 years. However, the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

#### **§ 7107. Duration of certificates of registry**

A certificate of registry issued under this part is not limited in duration. However, the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

#### **§ 7108. Termination of licenses and certificates of registry**

When the holder of a license or certificate of registry, the duration of which is conditioned under section 7106 or 7107 of this title, fails to hold the license required as a condition, the license or certificate of registry issued under this part is terminated.

#### **§ 7109. Renewal of licenses**

A license issued under this part may be renewed for additional 5-year periods.

**§ 7110. Exhibiting licenses**

Each holder of a license issued under this part shall display, within 48 hours after employment on a vessel for which that license is required, the license in a conspicuous place on the vessel.

**§ 7111. Licenses for fishing vessels not subject to inspection**

Examinations for licensing individuals on fishing vessels not required to be inspected under part B of this subtitle shall be oral.

*Ante*, p. 509.

**§ 7112. Licenses of masters or mates as pilots**

A master or mate licensed under this part who also qualifies as a pilot is not required to hold 2 licenses. Instead, the qualification of the master or mate as pilot shall be endorsed on the master's or mate's license.

**§ 7113. Exemption from draft**

A licensed master, mate, pilot, or engineer of a vessel inspected under part B of this subtitle, propelled by machinery or carrying hazardous liquid cargoes in bulk, is not liable to draft in time of war, except for performing duties authorized by the license. When performing those duties in the service of the United States Government, the master, mate, pilot, or engineer is entitled to the highest rate of wages paid in the merchant marine of the United States for similar services. If killed or wounded when performing those duties, the master, mate, pilot, or engineer, or the heirs or legal representatives of the master, mate, pilot, or engineer, are entitled to all the privileges under the pension laws of the United States provided to members of the Armed Forces.

**§ 7114. Fees**

The Secretary may prescribe by regulation reasonable fees for the inspection of and the issuance of a certificate, license, or permit related to small passenger vessels and sailing school vessels.

## CHAPTER 73—MERCHANT MARINERS' DOCUMENTS

Sec.

- 7301. General.
- 7302. Issuing merchant mariners' documents and continuous discharge books.
- 7303. Possession and description of merchant mariners' documents.
- 7304. Citizenship notation on merchant mariners' documents.
- 7305. Oaths for holders of merchant mariners' documents.
- 7306. General requirements and classifications for able seamen.
- 7307. Able seamen—unlimited.
- 7308. Able seamen—limited.
- 7309. Able seamen—special.
- 7310. Able seamen—offshore supply vessels.
- 7311. Able seamen—sail.
- 7312. Scale of employment.
- 7313. General requirements for members of engine departments.
- 7314. Service requirements for qualified members of engine departments.
- 7315. Training.
- 7316. Lifeboatmen.
- 7317. Tankermen.
- 7318. Radiotelegraph operators on Great Lakes.
- 7319. Records of merchant mariners' documents.

**§ 7301. General**

- (a) In this chapter—

"Service on deck."

(1) "service on deck" means service in the deck department in work related to the work usually performed on board vessels by able seamen and may include service on decked fishing vessels and on public vessels of the United States;

(2) 360 days is equal to one year's service; and

(3) a day is equal to 8 hours of labor or duty.

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

**§ 7302. Issuing merchant mariners' documents and continuous discharge books**

(a) The Secretary shall issue a merchant mariner's document to an individual required to have that document under part F of this subtitle if the individual satisfies the requirements of this part. The document serves as a certificate of identification and as a certificate of service, specifying each rating in which the holder is qualified to serve on board vessels on which that document is required under part F.

(b) The Secretary also may issue a continuous discharge book to an individual issued a merchant mariner's document if the individual requests.

**§ 7303. Possession and description of merchant mariners' documents**

A merchant mariner's document shall be retained by the seaman to whom issued. The document shall contain the signature, notations of nationality, age, and physical description, the photograph, the thumbprint, and the home address of the seaman. In addition, the document shall specify the rate or ratings in which the seaman is qualified to serve.

**§ 7304. Citizenship notation on merchant mariners' documents**

An individual applying for a merchant mariner's document shall provide satisfactory proof that the individual is a citizen of the United States before that notation is made on the document.

**§ 7305. Oaths for holders of merchant mariners' documents**

An applicant for a merchant mariner's document shall take, before issuance of the document, an oath that the applicant will perform faithfully and honestly all the duties required by law, and will carry out the lawful orders of superior officers.

**§ 7306. General requirements and classifications for able seamen**

(a) To qualify for an endorsement as able seaman authorized by this section, an applicant must provide satisfactory proof that the applicant—

(1) is at least 18 years of age;

(2) has the service required by the applicable section of this part;

(3) is qualified professionally as demonstrated by an applicable examination or educational requirements; and

(4) is qualified as to sight, hearing, and physical condition to perform the seaman's duties.

(b) The classifications authorized for endorsement as able seaman are the following:

(1) able seaman—unlimited.

(2) able seaman—limited.

- (3) able seaman—special.
- (4) able seaman—offshore supply vessels.
- (5) able seaman—sail.

#### § 7307. Able seamen—unlimited

The required service for the endorsement of able seaman—unlimited, qualified for unlimited service on a vessel on any waters, is at least 3 years' service on deck on board vessels operating at sea or on the Great Lakes.

#### § 7308. Able seamen—limited

The required service for the endorsement of able seaman—limited, qualified for limited service on a vessel on any waters, is at least 18 months' service on deck on board vessels of at least 100 gross tons operating on the oceans or navigable waters of the United States (including the Great Lakes).

#### § 7309. Able seamen—special

The required service for the endorsement of able seaman—special, qualified for special service on a vessel on any waters, is at least 12 months' service on deck on board vessels operating on the oceans or the navigable waters of the United States (including the Great Lakes).

#### § 7310. Able seamen—offshore supply vessels

For service on a vessel of less than 500 gross tons engaged in support of exploration, exploitation, or production of offshore mineral or energy resources, an individual may be rated as able seaman—offshore supply vessels if the individual has at least 6 months' service on deck on board vessels operating on the oceans or the navigable waters of the United States (including the Great Lakes).

#### § 7311. Able seamen—sail

For service on a sailing school vessel on any waters, an individual may be rated as able seaman—sail if the individual has at least 6 months' service on deck on sailing school vessels, oceanographic research vessels powered primarily by sail, or equivalent sailing vessels operating on the oceans or navigable waters of the United States (including the Great Lakes).

#### § 7312. Scale of employment

(a) Individuals qualified as able seamen—unlimited under section 7307 of this title may constitute all of the able seamen required on a vessel.

(b) Individuals qualified as able seamen—limited under section 7308 of this title may constitute all of the able seamen required on a vessel of less than 1,600 gross tons or on a vessel operating on the Great Lakes and the Saint Lawrence River as far east as Sept Iles. Individuals qualified as able seamen—limited may constitute not more than 50 percent of the number of able seamen required on board other vessels.

(c) Individuals qualified as able seamen—special under section 7309 of this title may constitute—

- (1) all of the able seamen required on a vessel of not more than 500 gross tons or on a seagoing barge or towing vessel; and

(2) not more than 50 percent of the number of able seamen required on board other vessels.

(d) Individuals qualified as able seamen—offshore supply vessels under section 7310 of this title may constitute all of the able seamen required on board a vessel of less than 500 gross tons engaged in support of exploration, exploitation, or production of offshore mineral or energy resources.

(e) When the service of able seaman—limited or able seamen—special is authorized for only a part of the required number of able seamen on board a vessel, the combined percentage of those individuals so qualified may not be greater than 50 percent of the required number.

#### **§ 7313. General requirements for members of engine departments**

(a) Classes of endorsement as qualified members of the engine department on vessels of at least 100 gross tons (except vessels operating on rivers or lakes (except the Great Lakes)) may be prescribed by regulation.

(b) The ratings of wiper and coal passer are entry ratings and are not ratings as qualified members of the engine department.

(c) An applicant for an endorsement as qualified member of the engine department must provide satisfactory proof that the applicant—

- (1) has the service required by section 7314 of this title;
- (2) is qualified professionally as demonstrated by an applicable examination; and
- (3) is qualified as to sight, hearing, and physical condition to perform the member's duties.

#### **§ 7314. Service requirements for qualified members of engine departments**

To qualify for an endorsement as qualified member of the engine department, an applicant must provide proof that the applicant has 6 months' service in the related entry rating as described in section 7313(b) of this title.

#### **§ 7315. Training**

(a) Graduation from a nautical school vessel approved under law and regulation may be substituted for the service requirements under section 7307 or 7314 of this title.

(b) The satisfactory completion of other courses of instruction approved by the Secretary may be substituted for not more than one-third of the required service on deck at sea under sections 7307-7311 of this title.

(c) The satisfactory completion of other courses of instruction approved by the Secretary may be substituted for not more than one-half of the required service at sea under section 7314 of this title.

#### **§ 7316. Lifeboatmen**

To qualify for an endorsement as lifeboatman, an applicant must provide satisfactory proof that the applicant—

- (1) has the service or training required by regulation;
- (2) is qualified professionally as demonstrated by examination; and
- (3) is qualified professionally by actual demonstration.

**§ 7317. Tankermen**

(a) The Secretary shall prescribe procedures, standards, and qualifications for the issuance of certificates or endorsements as tanker-man, stating the types of oil or hazardous material that can be handled with safety to the vessel and the marine environment.

(b) An endorsement as tankerman shall indicate the grades or types of cargo the holder is qualified and authorized to handle with safety on board vessels.

Procedures,  
standards, and  
qualifications.

**§ 7318. Radiotelegraph operators on Great Lakes**

(a) A radiotelegraph operator on the Great Lakes only shall have a first-class or second-class radiotelegraph operator's license issued by the Federal Communications Commission.

(b) An endorsement as radiotelegraph operator on the Great Lakes only ends if the holder ceases to hold the license issued by the Commission.

**§ 7319. Records of merchant mariners' documents**

The Secretary shall maintain records on each merchant mariner's document issued, including the name and address of the seaman to whom issued and the next of kin of the seaman. The records are not open to general or public inspection.

Restricted  
inspection.

## CHAPTER 75—GENERAL PROCEDURES FOR LICENSING, CERTIFICATION, AND DOCUMENTATION

Sec.

7501. Duplicates.

7502. Records.

7503. Dangerous drugs as grounds for denial.

**§ 7501. Duplicates**

(a) If a license, certificate, or document issued under this part is lost as a result of a marine casualty, the holder shall be supplied with a duplicate without cost.

(b) For any other loss, the seaman may obtain a duplicate on payment of reasonable costs prescribed by regulation by the Secretary.

**§ 7502. Records**

The Secretary shall maintain records on the issuances, denials, suspensions, and revocations of licenses, certificates of registry, merchant mariners' documents, and endorsements on those licenses, certificates, and documents.

**§ 7503. Dangerous drugs as grounds for denial**

(a) In this section, "dangerous drug" means a narcotic drug, controlled substance, and marihuana (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)).

"Dangerous  
drug."

(b) A license, certificate, or document authorized to be issued under this part may be denied to an individual who—

(1) within 10 years before applying for the license, certificate, or document, has been convicted of violating a dangerous drug law of the United States or of a State; or

(2) when applying, has ever been a user of, or addicted to, a dangerous drug unless the individual provides satisfactory proof that the individual is cured.

**CHAPTER 77—SUSPENSION AND REVOCATION**

Sec.

7701. General.

7702. Administrative procedure.

7703. Bases for suspension or revocation.

7704. Dangerous drugs as grounds for revocation.

7705. Subpenas and oaths.

**§ 7701. General**

(a) The purpose of suspension and revocation proceedings is to promote safety at sea.

(b) Licenses, certificates of registry, and merchant mariners' documents may be suspended or revoked for acts described in section 7703 of this title.

(c) When a license, certificate of registry, or merchant mariner's document has been revoked under this chapter, the former holder may be issued a new license, certificate, or document only after it has been decided, under regulations prescribed by the Secretary, that the issuance is compatible with the requirements of good discipline and safety at sea.

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

**§ 7702. Administrative procedure**

5 USC 551-559.

(a) Sections 551-559 of title 5 apply to each hearing under this chapter about suspending or revoking a license, certificate of registry, or merchant mariners' document.

Appeal.

(b) The individual whose license, certificate of registry, or merchant mariner's document has been suspended or revoked under this chapter may appeal, within 30 days, the suspension or revocation to the Secretary.

**§ 7703. Bases for suspension or revocation**

A license, certificate, or merchant mariner's document issued by the Secretary may be suspended or revoked if, when acting under the authority of that license, certificate, or document, the holder—

(1) has violated or failed to comply with this subtitle, a regulation prescribed under this subtitle, or any other law or regulation intended to promote marine safety or to protect navigable waters.

(2) has committed an act of incompetence, misconduct, or negligence.

**§ 7704. Dangerous drugs as grounds for revocation**

"Dangerous drug."

(a) In this section, "dangerous drug" means a narcotic drug, controlled substance, and marihuana (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)).

(b) If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or document issued under this part, within 10 years before the beginning of the proceedings, has been convicted of violating a dangerous drug law of the United States or of a State, the license, certificate, or document shall be revoked.

(c) If it is shown that a holder has been a user of, or addicted to, a dangerous drug, the license, certificate, or document shall be revoked unless the holder provides satisfactory proof that the holder is cured.

#### § 7705. Subpenas and oaths

(a) An official designated to investigate or preside at a hearing on matters that are grounds for suspension or revocation of licenses, certificates, and documents may administer oaths and issue subpenas to compel the attendance and testimony of witnesses and the production of records or other evidence during investigations and at hearings.

(b) The jurisdictional limits of a subpoena issued under this section are the same as, and are enforceable in the same manner as, subpoenas issued under chapter 63 of this title.

*Ante*, p. 537.

### PART F—MANNING OF VESSELS

## CHAPTER 81—GENERAL

#### Sec.

- 8101. Complement of inspected vessels.
- 8102. Watchmen.
- 8103. Citizenship and Naval Reserve requirements.
- 8104. Watches.
- 8105. Regulations.

#### § 8101. Complement of inspected vessels

(a) The certificate of inspection issued to a vessel under part B of this subtitle shall state the complement of licensed individuals and crew (including lifeboatmen) considered by the Secretary to be necessary for safe operation. A manning requirement imposed on a sailing school vessel shall consider the participation of sailing school instructors and sailing school students in the operation of that vessel.

*Ante*, p. 509.

(b) The Secretary may modify the complement, by endorsement on the certificate, for reasons of changed conditions or employment.

(c) A requirement made under this section by an authorized official may be appealed to the Secretary under prescribed regulations.

Appeal to Secretary.

(d) A vessel to which this section applies may not be operated without having in its service the complement required in the certificate of inspection.

(e) When a vessel is deprived of the service of a member of its complement without the consent, fault, or collusion of the owner, charterer, managing operator, agent, master, or individual in charge of the vessel, the master shall engage, if obtainable, a number of members equal to the number of those of whose services the master has been deprived. The replacements must be of the same or a higher grade or rating than those whose places they fill. If the master finds the vessel is sufficiently manned for the voyage, and replacements are not available to fill all the vacancies, the vessel may proceed on its voyage. Within 12 hours after the vessel arrives at its destination, the master shall report in writing to the Secretary the cause of each deficiency in the complement. A master failing to make the report is liable to the United States Government for a civil penalty of \$50 for each deficiency.

Report.

Civil penalty.



Civil penalty. (f) The owner, charterer, or managing operator of a vessel not manned as required by this section is liable to the Government for a civil penalty of \$100, or, for a deficiency of a licensed individual, a penalty of \$500.

Ante, p. 509.  
Civil penalty. (g) A person may not employ an individual as, and an individual may not serve as, a master, mate, engineer, radio officer, or pilot of a vessel to which this part or part B of this subtitle applies if the individual is not licensed by the Secretary. A person (including an individual) violating this subsection is liable to the Government for a civil penalty of not more than \$500. Each day of a continuing violation is a separate offense.

Civil penalty. (h) The owner, charterer, or managing operator of a freight vessel of less than 100 gross tons, a small passenger vessel, or a sailing school vessel not manned as required by this section is liable to the Government for a civil penalty of \$1,000. The vessel also is liable in rem for the penalty.

#### § 8102. Watchmen

Civil penalty. The owner, charterer, or managing operator of a vessel carrying passengers during the nighttime shall keep a suitable number of watchmen in the vicinity of the cabins or staterooms and on each deck to guard against and give alarm in case of a fire or other danger. An owner, charterer, or managing operator failing to provide watchmen required by this section is liable to the United States Government for a civil penalty of \$1,000.

#### § 8103. Citizenship and Naval Reserve requirements

(a) Only a citizen of the United States may serve as master, chief engineer, or officer in charge of a deck watch or engineering watch on a documented vessel.

(b) On each departure of a documented vessel (except a fishing or whaling vessel or yacht) from a port of the United States, 75 percent of the seamen (excluding licensed individuals) must be citizens of the United States. If the Secretary decides, on investigation, that qualified citizen seamen are not available, the Secretary may reduce the percentage.

(c) On each departure from the United States of a vessel (except a passenger vessel) for which a construction or operating differential subsidy has been granted, all of the seamen of the vessel must be citizens of the United States.

(d)(1) On each departure from the United States of a passenger vessel for which a construction or operating differential subsidy has been granted, at least 90 percent of the entire complement (including licensed individuals) must be citizens of the United States.

Employment of aliens. (2) An individual not required by this subsection to be a citizen of the United States may be engaged only if the individual has a declaration of intention to become a citizen of the United States or other evidence of admission to the United States for permanent residence. An alien may be employed only in the steward's department of the passenger vessel.

(e) If a documented vessel is deprived for any reason of the services of an individual (except the master) when on a foreign voyage and a vacancy consequently occurs, until the vessel's first return to a United States port at which a replacement who is a citizen of the United States can be obtained, an individual not a citizen of the United States may serve in—

(1) the vacancy; or

(2) a vacancy resulting from the promotion of another individual to fill the original vacancy.

(f) A person employing an individual in violation of this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of \$500 for each individual so employed.

Civil penalty.

(g) A deck or engineer officer employed on a vessel on which an operating differential subsidy is paid, or employed on a vessel (except a vessel of the Coast Guard or Saint Lawrence Seaway Development Corporation) owned or operated by the Department of Transportation or by a corporation organized or controlled by the Department, if eligible, shall be a member of the Naval Reserve.

(h) The President may—

Suspensions by President.

(1) suspend any part of this section during a proclaimed national emergency; and

(2) when the needs of commerce require, suspend as far and for a period the President considers desirable, subsection (a) of this section for crews of vessels of the United States documented for foreign trade.

#### § 8104. Watches

(a) An owner, charterer, managing operator, master, individual in charge, or other person having authority may permit an officer to take charge of the deck watch on a vessel when leaving or immediately after leaving port only if the officer has been off duty for at least 6 hours within the 12 hours immediately before the time of leaving.

(b) On an oceangoing or coastwise vessel of not more than 100 gross tons, a licensed individual may not be required to work more than 9 of 24 hours when in port, including the date of arrival, or more than 12 of 24 hours at sea, except in an emergency when life or property are endangered.

(c) On a towing vessel (except a towing vessel operated only for fishing or engaged in salvage operations) operating on the Great Lakes, harbors of the Great Lakes, and connecting or tributary waters between Gary, Indiana, Duluth, Minnesota, Niagara Falls, New York, and Ogdensburg, New York, a licensed individual or seaman in the deck or engine department may not be required or permitted to work more than 8 hours in one day, except in an emergency when life or property are endangered.

(d) On a merchant vessel of more than 100 gross tons (except a vessel only operating on rivers, harbors, lakes (except the Great Lakes), bays, sounds, bayous, and canals, a fishing or whaling vessel, yacht, or vessel engaged in salvage operations), the licensed individuals, sailors, coal passers, firemen, oilers, and water tenders shall be divided, when at sea, into at least 3 watches, and shall be kept on duty successively to perform ordinary work incident to the operation and management of the vessel. The requirement of this subsection applies to radio officers only when at least 3 radio officers are employed. A licensed individual or seaman in the deck or engine department may not be required to work more than 8 hours in one day.

(e) On a vessel designated by subsections (c) and (d) of this section—

(1) a seaman may not be—

(A) engaged to work alternately in the deck and engine departments; or

(B) required to work in the engine department if engaged for deck department duty or required to work in the deck department if engaged for engine department duty;

(2) a seaman may not be required to do unnecessary work on Sundays, New Year's Day, July 4th, Labor Day, Thanksgiving Day, or Christmas Day, when the vessel is in a safe harbor, but this clause does not prevent dispatch of a vessel on a voyage; and

(3) when the vessel is in a safe harbor, 8 hours (including anchor watch) is a day's work.

(f) Subsections (d) and (e) of this section do not limit the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, any part of the crew is needed for—

(1) maneuvering, shifting the berth of, mooring, or unmooring, the vessel;

(2) performing work necessary for the safety of the vessel, or the vessel's passengers, crew, or cargo;

(3) saving life on board another vessel in jeopardy; or

(4) performing fire, lifeboat, or other drills in port or at sea.

(g) On a towing vessel (except a vessel to which subsection (c) of this section applies), an offshore supply vessel, or a barge to which this section applies, that is engaged on a voyage of less than 600 miles, the licensed individuals and crewmembers (except the coal passers, firemen, oilers, and water tenders) may be divided, when at sea, into at least 2 watches.

(h) On a vessel to which section 8904 of this title applies, an individual licensed to operate a towing vessel may not work for more than 12 hours in a consecutive 24-hour period except in an emergency.

Civil penalty.

(i) A person violating subsection (a) or (b) of this section is liable to the United States Government for a civil penalty of \$100.

Civil penalty.

(j) The owner, charterer, or managing operator of a vessel on which a violation of subsection (c), (d), (e), or (h) of this section occurs is liable to the Government for a civil penalty of \$500. The seaman is entitled to discharge from the vessel and receipt of wages earned.

### § 8105. Regulations

The Secretary may prescribe regulations to carry out this part.

## CHAPTER 83—MASTERS AND OFFICERS

Sec.

8301. Minimum number of licensed individuals.

8302. Staff department.

8303. Service under licenses issued without examination.

8304. Implementing the Officers' Competency Certificates Convention, 1936.

### § 8301. Minimum number of licensed individuals

Post, p. 555.

(a) Except as provided in chapter 89 of this title and except for a vessel operating only on rivers, harbors, lakes, bays, sounds, bayous, and canals, a vessel to which part B of this subtitle applies shall engage a minimum of licensed individuals as follows:

Ante, p. 509.

(1) Each of those vessels shall have a licensed master.

(2) A vessel of at least 1,000 gross tons and propelled by machinery shall have 3 licensed mates. However, if the vessel is on a voyage of less than 400 miles from port of departure to port of final destination, it shall have 2 licensed mates.

(3) A vessel of at least 200 gross tons but less than 1,000 gross tons and propelled by machinery shall have 2 licensed mates.

(4) A vessel of at least 100 gross tons but less than 200 gross tons and propelled by machinery shall have one licensed mate. However, if the vessel is on a voyage of more than 24 hours, it shall have 2 licensed mates.

(5) A freight vessel or a passenger vessel of at least 300 gross tons and propelled by machinery shall have a licensed engineer.

(b) An offshore supply vessel on a voyage of less than 600 miles shall have a licensed mate. However, if the vessel is on a voyage of at least 600 miles, the vessel shall have 2 licensed mates. An offshore supply vessel of more than 200 gross tons may not be operated without a licensed engineer.

(c) Subsection (a) of this section does not apply to a fishing or whaling vessel or a yacht.

(d) The Secretary may—

(1) suspend any part of this chapter during a national emergency proclaimed by the President; and

(2) increase the number of licensed individuals on a vessel to which this chapter applies if, in the Secretary's judgment, the vessel is not sufficiently manned for safe operation.

### § 8302. Staff department

(a) This section applies to a vessel of the United States except—

(1) a fishing or whaling vessel or a yacht;

(2) a vessel operated only on bays, sounds, inland waters, and lakes (except the Great Lakes); and

(3) a vessel ferrying passengers and cars on the Great Lakes.

(b) The staff department on a vessel is a separate and independent department. It consists of individuals registered under section 7101 of this title, clerks and individuals assigned to the senior registered medical doctor.

(c) The staff department is composed of a medical division and a purser's division. The officer in charge of each division is responsible only to the master. The senior registered medical doctor is in charge of the medical division. The senior registered purser is in charge of the purser's division.

(d) The officer in charge of the purser's division of the staff department on an oceangoing passenger vessel licensed to carry more than 100 passengers shall be a registered chief purser. When more than 3 persons are employed in the purser's division of that vessel, there also shall be at least one registered senior assistant purser and one registered junior assistant purser.

Purser's  
division.

(e) A person may not employ an individual to serve in, and an individual may not serve in, a grade of staff officer on a vessel, when that staff officer is required by this section to be registered, if the individual does not have a certificate of registry as staff officer in that grade. A person (including an individual) violating this subsection is liable to the United States Government for a civil penalty of \$100. However, if a registered staff officer is not available at the time of sailing, the vessel may sail with an unregistered staff officer or without a staff officer.

Civil penalty.

(f) A staff officer may not be included in a vessel's certificate of inspection.

(g) A registered staff officer serving under this section who is a member of the Naval Reserve may wear on the officer's uniform

Naval Reserve  
members.

special distinguishing insignia prescribed by the Secretary of the Navy.

(h) The uniform stripes, decoration, or other insignia worn by a staff officer shall be of gold braid or woven gold or silver material. A crewmember (except a staff officer) may not wear any uniform with a staff officer's identifying insignia.

#### § 8303. Service under licenses issued without examination

*Ante*, p. 509.

An individual issued a license without examination before October 29, 1941, to serve as master, mate, or engineer on a vessel not subject to inspection under part B of this subtitle, may not serve under authority of that license on a vessel that is subject to inspection under part B.

#### § 8304. Implementing the Officers' Competency Certificates Convention, 1936

"High seas."

(a) In this section, "high seas" means waters seaward of the Boundary Line.

54 Stat. 1683.

(b) The Officers' Competency Certificates Convention, 1936 (International Labor Organization Draft Convention Numbered 53, on the minimum requirement of professional capacity for masters and officers on board merchant vessels), as ratified by the President on September 1, 1938, with understandings appended, and this section apply to a documented vessel operating on the high seas except—

- (1) a public vessel;
- (2) a wooden vessel of primitive build, such as a dhow or junk;
- (3) a barge; and
- (4) a vessel of less than 200 gross tons.

(c) A person may not engage or employ an individual to serve as, and an individual may not serve as, a master, mate, or engineer on a vessel to which this section applies, if the individual does not have a license issued under section 7101 of this title authorizing service in the capacity in which the individual is to be engaged or employed.

Civil penalty.

(d) A person (including an individual) violating this section is liable to the United States Government for a civil penalty of \$100.

(e) A license issued to an individual to whom this section applies is a certificate of competency.

Vessel detention.

(f) A designated official may detain a vessel to which this section applies (by written order served on the owner, charterer, managing operator, agent, master, or individual in charge of the vessel) when there is reason to believe that the vessel is about to proceed from a port of the United States to the high seas in violation of this section or a provision of the convention described in subsection (b) of this section. The vessel may be detained until the vessel complies with this section. Clearance may not be granted to a vessel ordered detained under this section.

(g) A foreign vessel to which the convention described in subsection (b) of this section applies, on the navigable waters of the United States, is subject to detention under subsection (f) of this section, and to an examination that may be necessary to decide if there is compliance with the convention.

Appeal.

(h) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel detained under subsection (f) or (g) of this section may appeal the order within 5 days as provided by regulation.

Enforcement.

(i) An officer or employee of the Customs Service may be designated to enforce this section.

## CHAPTER 85—PILOTS

Sec.

8501. State regulation of pilots.

8502. Federal pilots required.

**§ 8501. State regulation of pilots**

(a) Except as otherwise provided in this part, pilots in the bays, rivers, harbors, and ports of the United States shall be regulated only in conformity with the laws of the States.

(b) The master of a vessel entering or leaving a port on waters that are a boundary between 2 States, and that is required to have a pilot under this section, may employ a pilot licensed or authorized by the laws of either of the 2 States.

(c) A State may not adopt a regulation or provision that discriminates in the rate of pilotage or half-pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of different States, or against vessels because of their means of propulsion, or against public vessels of the United States.

(d) A State may not adopt a regulation or provision that requires a coastwise vessel to take a pilot licensed or authorized by the laws of a State if the vessel—

(1) is propelled by machinery and subject to inspection under part B of this subtitle; or

(2) is subject to inspection under chapter 37 of this title.

(e) Any regulation or provision violating this section is void.

*Ante*, p. 509.*Ante*, p. 520.**§ 8502. Federal pilots required**

(a) A coastwise seagoing vessel, when not sailing on register and when underway (except on the high seas), shall be under the direction and control of a pilot licensed under section 7101 of this title if the vessel is—

(1) propelled by machinery and subject to inspection under part B of this subtitle; or

(2) subject to inspection under chapter 37 of this title.

(b) The fees charged for pilotage by pilots required under this section may not be more than the customary or legally established rates in the States in which the pilotage is performed.

(c) A State or political subdivision of a State may not impose on a pilot licensed under this subtitle an obligation to procure a State or other license, or adopt any other regulation that will impede the pilot in the performance of the pilot's duties under the laws of the United States.

(d) A State or political subdivision of a State may not levy pilot charges on a vessel lawfully piloted by a pilot required under this section.

(e) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel operated in violation of this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of \$500. The vessel also is liable in rem for the penalty.

Civil penalty.

(f) An individual serving as a pilot without having a license required by this section or a regulation prescribed under this section is liable to the Government for a civil penalty of \$500.

Civil penalty.

## CHAPTER 87—UNLICENSED PERSONNEL

Sec.

8701. Merchant mariners' documents required.

8702. Certain crew requirements.

8703. Tankermen on tank vessels.

### § 8701. Merchant mariners' documents required

(a) This section applies to a merchant vessel of at least 100 gross tons except—

(1) a vessel operating only on rivers and lakes (except the Great Lakes);

(2) a barge (except a seagoing barge or a barge to which chapter 37 of this title applies);

(3) a fishing or whaling vessel or a yacht;

(4) a sailing school vessel with respect to sailing school instructors and sailing school students; and

(5) an oceanographic research vessel with respect to scientific personnel.

(b) A person may not engage or employ an individual, and an individual may not serve, on board a vessel to which this section applies if the individual does not have a merchant mariner's document issued to the individual under section 7302 of this title. Except for an individual required to be licensed or registered under this part, the document must authorize service in the capacity for which the holder of the document is engaged or employed.

(c) On a vessel to which section 10306 or 10503 of this title does not apply, an individual required by this section to hold a merchant mariner's document must exhibit it to the master of the vessel before the individual may be employed.

(d) A person (including an individual) violating this section is liable to the United States Government for a civil penalty of \$500.

### § 8702. Certain crew requirements

(a) This section applies to a vessel of at least 100 gross tons except—

(1) a vessel operating only on rivers and lakes (except the Great Lakes);

(2) a barge (except a seagoing barge or a barge to which chapter 37 of this title applies);

(3) a fishing or whaling vessel or a yacht;

(4) a sailing school vessel with respect to sailing school instructors and sailing school students; and

(5) an oceanographic research vessel with respect to scientific personnel.

(b) A vessel may depart from a port of the United States only if at least—

(1) 75 percent of the crew in each department on board is able to understand any order spoken by the officers, and

(2) 65 percent of the deck crew (excluding licensed individuals) have merchant mariners' documents endorsed for a rating of at least able seaman, except that this percentage may be reduced to 50 percent on a vessel permitted under section 8104 of this title to maintain a 2-watch system.

(c) An able seaman is not required on a towing vessel operating on bays and sounds connected directly with the seas.

*Ante*, p. 520.

Civil penalty.

(d) An individual having a rating of less than able seaman may not be permitted at the wheel in ports, harbors, and other waters subject to congested vessel traffic, or under conditions of reduced visibility, adverse weather, or other hazardous circumstances.

(e) The owner, charterer, managing operator, agent, master, or individual in charge of a vessel operated in violation of this section or a regulation prescribed under this section is liable to the United States Government for a civil penalty of \$500.

Civil penalty.

#### § 8703. Tankermen on tank vessels

(a) A vessel of the United States to which chapter 37 of this title applies, that has on board oil or hazardous material in bulk as cargo or cargo residue, shall have a specified number of the crew certified as tankermen as required by the Secretary. This requirement shall be noted on the certificate of inspection issued to the vessel.

*Ante*, p. 520.

(b) The Secretary shall prescribe procedures, standards, and qualifications for the issuance of certificates as tankermen, stating the types of oil or hazardous material that can be handled with safety to the vessel and the marine environment.

(c) A vessel to which section 3702(b) of this title applies shall have on board as a crewmember in charge of the transfer operation an individual certified as a tankerman (qualified for the grade of fuel transferred), unless a master, mate, pilot, engineer, or operator licensed under section 7101 of this title is present in charge of the transfer. If the vessel does not have that individual on board, chapter 37 of this title applies to the vessel.

## CHAPTER 89—SMALL VESSEL MANNING

Sec.

8901. Freight vessels.

8902. Small passenger vessels.

8903. Uninspected passenger vessels.

8904. Towing vessels.

8905. Exemptions.

8906. Penalty.

#### § 8901. Freight vessels

A freight vessel of less than 100 gross tons shall be operated by an individual licensed by the Secretary to operate that type of vessel in the particular geographic area, under prescribed regulations.

#### § 8902. Small passenger vessels

A small passenger vessel shall be operated by an individual licensed by the Secretary to operate that type of vessel in the particular geographic area, under prescribed regulations.

#### § 8903. Uninspected passenger vessels

An uninspected passenger vessel shall be operated by an individual licensed by the Secretary to operate that type of vessel, under prescribed regulations.

#### § 8904. Towing vessels

A towing vessel that is at least 26 feet in length measured from end to end over the deck (excluding sheer), shall be operated by an individual licensed by the Secretary to operate that type of vessel in the particular geographic area, under prescribed regulations.



**§ 8905. Exemptions**

(a) Section 8903 of this title applies to a recreational vessel operated in dealer demonstrations only if the Secretary decides that the application of section 8903 is necessary for recreational vessel safety under section 4302(d) of this title.

(b) Section 8904 of this title does not apply to a vessel of less than 200 gross tons engaged in the offshore mineral and oil industry if the vessel has offshore mineral and oil industry sites or equipment as its ultimate destination or place of departure.

**§ 8906. Penalty**

An owner, charterer, managing operator, agent, master, or individual in charge of a vessel operated in violation of this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of \$1,000. The vessel also is liable in rem for the penalty.

## CHAPTER 91—TANK VESSEL MANNING STANDARDS

Sec.

9101. Standards for foreign tank vessels.

9102. Standards for tank vessels of the United States.

**§ 9101. Standards for foreign tank vessels**

(a) The Secretary shall—

(1) periodically evaluate the manning, training, qualification, and watchkeeping standards prescribed by the certificating country of a foreign vessel to which chapter 37 of this title applies, that operates on the navigable waters of the United States and transfers oil or hazardous material in a port or place under the jurisdiction of the United States; and

(2) after each evaluation made under clause (1) of this subsection, decide whether the foreign country, whose system for licensing and certification of seamen was evaluated, has standards that are equivalent to or more stringent than United States standards or international standards accepted by the United States.

(b) A foreign vessel to which chapter 37 of this title applies that has on board oil or hazardous material in bulk as cargo or cargo residue shall have a specified number of personnel certified as tankerman or equivalent, as required by the Secretary, when the vessel transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States. The requirement of this subsection shall be noted in applicable terminal operating procedures. A transfer operation may take place only if the crewmember in charge is capable of clearly understanding instructions in English.

**§ 9102. Standards for tank vessels of the United States**

(a) The Secretary shall prescribe standards for the manning of each vessel of the United States to which chapter 37 of this title applies, related to the duties, qualifications, and training of the officers and crew of the vessel, including standards related to—

(1) instruction in vessel and cargo handling and vessel navigation under normal operating conditions in coastal and confined waters and on the high seas;

(2) instruction in vessel and cargo handling and vessel navigation in emergency situations and under marine casualty or potential casualty conditions;

(3) qualifications for licenses by specific type and size of vessels;

(4) qualifications for licenses by use of simulators for the practice or demonstration of marine-oriented skills;

(5) minimum health and physical fitness criteria for various grades of licenses and certificates;

(6) periodic retraining and special training for upgrading positions, changing vessel type or size, or assuming new responsibilities; and

(7) decisions about licenses and certificates, conditions of licensing or certification, and periods of licensing or certification by reference to experience, amount of training completed, and regular performance testing.

(b) The Secretary shall waive the application of criteria required by subsection (a)(5) of this section for an individual having a license or certificate (including a renewal of the license or certificate) in effect on October 17, 1978. When the waiver is granted, the Secretary may prescribe conditions for the license or certificate and its renewal, as the Secretary decides are reasonable and necessary for the safety of a vessel on which the individual may be employed.

Waiver.

## CHAPTER 93—GREAT LAKES PILOTAGE

Sec.

9301. Definitions.

9302. Great Lakes pilots required.

9303. United States registered pilot service.

9304. Pilotage pools.

9305. Agreements with Canada.

9306. State regulation prohibited.

9307. Great Lakes Pilotage Advisory Committee.

9308. Penalties.

### § 9301. Definitions

In this chapter—

(1) "Canadian registered pilot" means an individual (except a regular crewmember of a vessel) who is registered by Canada on the same basis as an individual registered under section 9303 of this title.

(2) "Great Lakes" means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far east as Saint Regis, and adjacent port areas.

(3) "United States registered pilot" means an individual (except a regular crewmember of a vessel) who is registered under section 9303 of this title.

### § 9302. Great Lakes pilots required

(a)(1) Except as provided in subsections (d) and (e) of this section, each vessel of the United States operating on register and each foreign vessel shall engage a United States or Canadian registered pilot for the route being navigated who shall—

(A) in waters of the Great Lakes designated by the President, direct the navigation of the vessel subject to the customary authority of the master; and

(B) in waters of the Great Lakes not designated by the President, be on board and available to direct the navigation of the vessel at the discretion of and subject to the customary authority of the master.

Presidential  
water designa-  
tions.

(2) The President shall make water designations under this subsection with regard to the public interest, the effective use of navigable waters, marine safety, and the foreign relations of the United States.

(b) An individual of a vessel licensed for navigation on the Great Lakes under section 7101 of this title, or equivalent provisions of Canadian law, and qualified for the route being navigated, may serve as the pilot required on waters not designated by the President.

(c) The authority extended under subsections (a) and (b) of this section to a Canadian registered pilot or other Canadian licensed officer to serve on certain vessels in United States waters of the Great Lakes shall continue as long as Canada extends reciprocity to United States registered pilots and other individuals licensed by the United States for pilotage service in Canadian waters of the Great Lakes.

(d) A vessel may be operated on the United States waters of the Great Lakes without a United States or Canadian registered pilot when—

(1) the Secretary notifies the master that a registered pilot is not available; or

(2) the vessel or its cargo is in distress or jeopardy.

(e) A Canadian vessel regularly operating on the Great Lakes or between ports on the Great Lakes and the Saint Lawrence River, with only an occasional voyage to ports in the maritime provinces of Canada in the Canadian coastal trade, is exempt from subsections (a) and (b) of this section as long as Canada permits enrolled vessels of the United States to be operated on Canadian waters of the Great Lakes under the direction of individuals licensed under section 7101 of this title.

### § 9303. United States registered pilot service

Regulations on  
competency  
standards.

(a) The Secretary shall prescribe by regulation standards of competency to be met by each applicant for registration under this chapter. An applicant must—

(1) have a license as master, mate, or pilot issued under section 7101 of this title;

(2) have acquired at least 24 months licensed service or equivalent experience on vessels or integrated towing vessels and tows of at least 4,000 gross tons, operating on the Great Lakes or oceans, with a minimum of 6 months of that service or experience having been on the Great Lakes; and

(3) agree that, if appointed as a United States registered pilot, the applicant will be available for service when required.

Certificates.

(b) The Secretary shall issue to each registered pilot under this chapter a certificate of registration describing the areas within which the pilot may serve. The pilot shall carry the certificate when in the service of a vessel.

(c) The Secretary shall prescribe by regulation the duration of validity of registration.

(d) The Secretary may prescribe by regulation the conditions for service by United States registered pilots, including availability for service.

(e) Subject to sections 551-559 of title 5, the Secretary may suspend or revoke a certificate of registration issued under this section if the holder fails to comply with a regulation prescribed under this chapter. Suspension or revocation of the holder's license under chapter 77 of this title includes the holder's certificate of registration.

5 USC 551-559.

*Ante*, p. 546.

(f) The Secretary shall prescribe by regulation rates and charges for pilotage services, giving consideration to the public interest and the costs of providing the services.

Regulations on rates and charges.

#### § 9304. Pilotage pools

(a) The Secretary may authorize the formation of a pool by a voluntary association of United States registered pilots to provide for efficient dispatching of vessels and rendering of pilotage services.

(b) For pilotage pools, the Secretary may—

- (1) limit the number of the pools;
- (2) prescribe regulations for their operation and administration;
- (3) prescribe a uniform system of accounts;
- (4) perform audits and inspections; and
- (5) require coordination on a reciprocal basis with similar pool arrangements authorized by the appropriate agency of Canada.

#### § 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.

#### § 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.

#### § 9307. Great Lakes Pilotage Advisory Committee

(a) The Secretary may 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 make available to Congress recommendations that the Committee makes to the Secretary; and
- (3) shall meet at the call of the Secretary.

(b) The Committee shall consist of 3 members appointed by the Secretary 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.

Membership.

Notice, publication in Federal Register.

Travel expenses.

(c) When attending meetings or otherwise serving at the request of the Secretary, a member of the Committee (except a member regularly employed by the United States Government) may be paid at a rate of not more than \$75 a day. 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.

5 USC 5703.

### § 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 \$500 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 \$500 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 \$500.

## PART G—MERCHANT SEAMEN PROTECTION AND RELIEF

### CHAPTER 101—GENERAL

Sec.

10101. Definitions.

10102. Designations and duties of shipping commissioners.

10103. Reports.

10104. Regulations.

#### § 10101. Definitions

In this part—

(1) “master” means the individual having command of a vessel owned by a citizen of the United States.

(2) “owner” means the person to whom the vessel belongs.

(3) “seaman” means an individual (except scientific personnel, a sailing school instructor, or a sailing school student) engaged or employed in any capacity on board a vessel owned by a citizen of the United States.

#### § 10102. Designations and duties of shipping commissioners

(a) The Secretary shall designate officers, employees, and members of the Coast Guard to act as shipping commissioners under this part. The Secretary may designate officers and employees of the Customs Service as shipping commissioners.

(b) The general duties of shipping commissioners are to supervise the engagement and discharge of seamen.

(c) The owner, charterer, managing operator, agent, or master of the vessel shall perform the duties of shipping commissioner when a shipping commissioner is not available.

#### § 10103. Reports

(a) A master of a vessel to which section 8701(a) of this title applies, who engages or discharges a seaman without a shipping commissioner being present, shall submit reports in the form, content, and manner of filing as prescribed by regulation, to ensure

compliance with laws related to manning and the engagement and discharge of seamen.

(b) This section does not apply to a ferry or towing vessel operated in connection with a ferry operation, employed only in trades other than with foreign ports, lakes, bays, sounds, bayous, canals, or harbors.

#### § 10104. Regulations

The Secretary may prescribe regulations to carry out this part.

### CHAPTER 103—FOREIGN AND INTERCOASTAL VOYAGES

Sec.

- 10301. Application.
- 10302. Shipping articles agreements.
- 10303. Provisions.
- 10304. Form of agreement.
- 10305. Manner of signing agreement.
- 10306. Exhibiting merchant mariners' documents.
- 10307. Posting agreements.
- 10308. Foreign engagements.
- 10309. Engaging seamen to replace those lost by desertion or casualty.
- 10310. Discharge.
- 10311. Certificates of discharge.
- 10312. Settlements on discharge.
- 10313. Wages.
- 10314. Advances.
- 10315. Allotments.
- 10316. Trusts.
- 10317. Loss of lien and right to wages.
- 10318. Wages on discharge in foreign ports.
- 10319. Costs of a criminal conviction.
- 10320. Records of seamen.
- 10321. General penalty.

#### § 10301. Application

(a) Except as otherwise specifically provided, this chapter applies to a vessel of the United States—

(1) on a voyage between a port in the United States and a port in a foreign country (except a port in Canada, Mexico, or the West Indies); or

(2) of at least 75 gross tons on a voyage between a port of the United States on the Atlantic Ocean and a port of the United States on the Pacific Ocean.

(b) This chapter does not apply to a vessel on which the seamen are entitled by custom or agreement to share in the profit or result of a voyage.

(c) Unless otherwise provided, this chapter does not apply to a foreign vessel.

#### § 10302. Shipping articles agreements

(a) Before proceeding on a voyage, the master of a vessel to which this chapter applies shall make a shipping articles agreement in writing with each seaman in the crew.

(b) The agreement shall contain the following:

(1) the nature, and, as far as practicable, the duration of the intended voyage, and the port or country in which the voyage is to end.

(2) the number and description of the crew and the capacity in which each seaman is to be engaged.

- (3) the time at which each seaman is to be on board to begin work.
- (4) the amount of wages each seaman is to receive.
- (5) regulations about conduct on board, and information on fines, short allowance of provisions, and other punishment for misconduct provided by law.
- (6) a scale of the provisions that are to be provided each seaman.
- (7) any stipulation in reference to advances and allotments of wages.
- (8) other matters not contrary to law.

**§ 10303. Provisions**

Meals.

(a) A seaman shall be served at least 3 meals a day that total at least 3,100 calories, including adequate water and adequate protein, vitamins, and minerals in accordance with the United States Recommended Daily Allowances.

Posted copy of text.

(b) The text of subsection (a) of this section shall be included in the agreement required by section 10302 of this title. A copy of the text also shall be posted in a conspicuous place in the galley and forecabin of each vessel.

(c) This section does not apply to a fishing or whaling vessel or a yacht.

**§ 10304. Form of agreement**

The form of the agreement required by section 10302 of this title shall be in substance as follows:

**UNITED STATES OF AMERICA**

(Date and place of first signature of agreement):

It is agreed between the master and seamen of the \_\_\_\_\_, of which \_\_\_\_\_ is at present master, or whoever shall go for master, now bound from the port of \_\_\_\_\_ to \_\_\_\_\_ (here the voyage is to be described, and the places named at which the vessel is to touch, or if that cannot be done, the general nature and probable length of the voyage is to be stated).

The seamen agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the master, or of an individual who lawfully succeeds the master, and of their superior officers in everything related to the vessel, and the stores and cargo of the vessel, whether on board, in boats, or on shore. In consideration of this service by the seamen to be performed, the master agrees to pay the crew, as wages, the amounts beside their names respectively expressed, and to supply them with provisions according to the annexed scale.

It is agreed that any embezzlement, or willful or negligent destruction of any part of the vessel's cargo or stores, shall be made good to the owner out of the wages of the person guilty of the embezzlement or destruction.

If an individual holds himself or herself out as qualified for a duty which the individual proves incompetent to perform, the individual's wages shall be reduced in proportion to the incompetency.

It also is agreed that if a seaman considers himself or herself to be aggrieved by any breach of this agreement or otherwise, the seaman

shall present the complaint to the master or officer in charge of the vessel, in a quiet and orderly manner, who shall take steps that the case requires.

It also is agreed that (here any other stipulations may be inserted to which the parties agree, and that are not contrary to law).

In witness whereof, the parties have subscribed their names to this agreement, on the dates beside their respective signatures.

Signed by \_\_\_\_\_, master, on the  
day of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_

Signature of seaman	Time of service:
Birthplace	Months
Age	Days
Height:	Hospital money
Feet	Whole wages
Inches	Wages due
Description:	Place and time of entry
Complexion	Time at which seaman is to be
Hair	on board
Wages each month	In what capacity
Wages each voyage	Shipping commissioner's signa-
Advance wages	ture or initials
Amount of monthly allotment	Allotment payable to
	Conduct qualifications

NOTE.—In the place for signature and descriptions of individuals engaged after the first departure of the vessel, the entries are to be made as above, except that the signature of the consul or vice consul, customs officer, or witness before whom the individual is engaged, is to be entered.

#### § 10305. Manner of signing agreement

(a) The agreement required by section 10302 of this title shall be signed—

(1) first by the master and dated at that time, after which each seaman shall sign; and

(2) in the presence of a shipping commissioner.

(b) When the crew is first engaged, the agreement shall be signed in duplicate. One of the copies shall be retained by the shipping commissioner. The other copy shall contain space for the description and signatures of seamen engaged subsequent to the first making of the agreement, and shall be delivered to the master.

(c) An agreement signed before a shipping commissioner shall be acknowledged and signed by the commissioner on the agreement in the manner and form prescribed by regulation. The acknowledgment and certification shall include a statement by the commissioner that the seaman—

(1) has read the agreement;

(2) is acquainted with and understands its conditions; and

(3) has signed it freely and voluntarily when sober.



**§ 10306. Exhibiting merchant mariners' documents**

Before signing the agreement required by section 10302 of this title, each individual required by section 8701 of this title to have a merchant mariner's document shall exhibit to the shipping commissioner a document issued to the individual, appropriately endorsed for the capacity in which the individual is to serve.

**§ 10307. Posting agreements**

Civil penalty.

At the beginning of a voyage, the master shall have a legible copy of the agreement required by section 10302 of this title, omitting signatures, exhibited in a part of the vessel accessible to the crew. A master violating this section is liable to the United States Government for a civil penalty of \$100.

**§ 10308. Foreign engagements**

Civil penalty.

(a) When a seaman is engaged outside the United States, the agreement required by section 10302 of this title shall be signed in the presence of a consular officer. If a consular officer is not available at the port of engagement, the seaman may be engaged, and the agreement shall be signed in the next port at which a consular officer is available.

(b) A master engaging a seaman in violation of this section is liable to the United States Government for a civil penalty of \$100. The vessel also is liable in rem for the penalty.

**§ 10309. Engaging seamen to replace those lost by desertion or casualty**

Civil penalty.

(a) If a desertion or casualty results in the loss of at least one seaman, the master shall engage, if obtainable, a number equal to the number of seamen of whose services the master has been deprived. The new seaman must have at least the same grade or rating as the seaman whose place the new seaman fills. The master shall report the loss and replacement to a consular officer at the first port at which the master arrives.

(b) The master is liable to the United States Government for a civil penalty of \$200 for each report not made. The vessel also is liable in rem for the penalty.

(c) This section does not apply to a fishing or whaling vessel or a yacht.

**§ 10310. Discharge**

Civil penalty.

A master shall deliver to a seaman or a shipping commissioner a full and true account of the seaman's wages and all deductions at least 48 hours before paying off or discharging the seaman. A master failing to deliver the account is liable to the United States Government for a civil penalty of \$50.

**§ 10311. Certificates of discharge**

(a) On discharging a seaman and paying the seaman's wages, the shipping commissioner shall provide the seaman with a certificate of discharge. The form of the certificate shall be prescribed by regulation. It shall contain—

- (1) the name of the seaman;
- (2) the citizenship or nationality of the seaman;
- (3) the number of the seaman's merchant mariner's document;

- (4) the name and official number of the vessel;
- (5) the nature of the voyage (foreign, intercoastal, or coastwise);
- (6) the propulsion class of the vessel;
- (7) the date and place of engagement;
- (8) the date and place of discharge; and
- (9) the seaman's capacity on the voyage.

(b) The certificate of discharge may not contain a reference about the character or ability of the seaman. The certificate shall be signed by the master, the seaman, and the shipping commissioner as witness.

(c) A certificate of discharge may not be issued if the seaman holds a continuous discharge book. The entries shall be made in the discharge book in the same manner as the entries required by subsection (a) of this section.

(d)(1) A record of each discharge shall be maintained by the Secretary in the manner and location prescribed by regulation. The records may not be open for general or public use or inspection.

Restricted  
record  
inspection.

(2) A duplicate of a record of discharge shall be issued to a seaman at a cost prescribed by regulation.

(e) This section does not apply to a fishing or whaling vessel or a yacht.

#### § 10312. Settlements on discharge

(a) When discharge and settlement are completed, the master or owner and each seaman shall sign the agreement required by section 10302 of this title in the presence of a shipping commissioner. The commissioner shall sign the agreement and retain a copy. When signed, it shall serve as a mutual release of all claims for wages for the voyage.

(b) In a dispute about wages or deductions, if the parties agree in writing to submit the dispute to a shipping commissioner, the award made by the commissioner is conclusive in any subsequent legal proceeding. A document signed and sealed by a shipping commissioner purporting to be the award is prima facie evidence of the award.

Disputed wages  
or deductions.

(c) In a proceeding before a shipping commissioner related to the wages, claims, or discharge of a seaman, the shipping commissioner may call on the owner, charterer, managing operator, agent, master, or a seaman to produce logbooks or other documents about a matter in question, and may summon before the commissioner and examine any person on the matter. An owner, charterer, managing operator, agent, master, or seaman failing on summons to produce a document in the possession or control of the owner, charterer, managing operator, agent, master, or seaman, or to give evidence, without reasonable cause, is liable to the United States Government for a civil penalty of \$100. On application of the shipping commissioner, the owner, charterer, managing operator, agent, master, or seaman may be punished by a district court of the United States as in other cases of contempt of court.

Civil penalty.

(d) On request, a certified copy of an agreement may be provided to a party to the agreement and is admissible in evidence with the effect of the original in any subsequent proceeding.

(e) When a seaman has been discharged before a shipping commissioner, only the agreement is evidence of the release or satisfaction of any claim.

(f) If a discharge is made under this section, the shipping commissioner, at the request of the master, shall provide the master with a signed statement of the total amount of wages paid. Between the master and the employer, the statement shall be received as evidence that the master has made the payments as stated.

### § 10313. Wages

(a) A seaman's entitlement to wages and provisions begins when the seaman begins work or when specified in the agreement required by section 10302 of this title for the seaman to begin work or be present on board, whichever is earlier.

(b) Wages are not dependent on the earning of freight by the vessel. When the loss or wreck of the vessel ends the service of a seaman before the end of the period contemplated in the agreement, the seaman is entitled to wages for the period of time actually served. The seaman shall be deemed a destitute seaman under section 11104 of this title. This subsection applies to a fishing or whaling vessel but not a yacht.

Improper  
discharge,  
compensation.

(c) When a seaman who has signed an agreement is discharged improperly before the beginning of the voyage or before one month's wages are earned, without the seaman's consent and without the seaman's fault justifying discharge, the seaman is entitled to receive from the master or owner, in addition to wages earned, one month's wages as compensation.

(d) A seaman is not entitled to wages for a period during which the seaman—

- (1) unlawfully failed to work when required, after the time fixed by the agreement for the seaman to begin work; or
- (2) lawfully was imprisoned for an offense, unless a court hearing the case otherwise directs.

(e) After the beginning of the voyage, a seaman is entitled to receive from the master, on demand, one-half of the balance of wages earned and unpaid at each port at which the vessel loads or delivers cargo during the voyage. A demand may not be made before the expiration of 5 days from the beginning of the voyage, not more than once in 5 days, and not more than once in the same port on the same entry. If a master does not comply with this subsection, the seaman is released from the agreement and is entitled to payment of all wages earned. Notwithstanding a release signed by a seaman under section 10312 of this title, a court having jurisdiction may set aside, for good cause shown, the release and take action that justice requires. This subsection does not apply to a fishing or whaling vessel or a yacht. However, this subsection applies to a vessel taking oysters.

(f) At the end of a voyage, the master shall pay each seaman the balance of wages due the seaman within 24 hours after the cargo has been discharged or within 4 days after the seaman is discharged, whichever is earlier. When a seaman is discharged and final payment of wages is delayed for the period permitted by this subsection, the seaman is entitled at the time of discharge to one-third of the wages due the seaman.

Delayed  
payment.

(g) When payment is not made as provided under subsection (f) of this section without sufficient cause, the master or owner shall pay to the seaman 2 days' wages for each day payment is delayed.

(h) Subsections (f) and (g) of this section do not apply to a fishing or whaling vessel or a yacht. However, subsections (f) and (g) apply to a vessel taking oysters.

(i) This section applies to a seaman on a foreign vessel when in a harbor of the United States. The courts are available to the seaman for the enforcement of this section.

#### § 10314. Advances

(a)(1) A person may not—

(A) pay a seaman wages in advance of the time when the seaman has earned the wages;

(B) pay advance wages of the seaman to another person; or

(C) make to another person an order, note, or other evidence of indebtedness of the wages, or pay another person, for the engagement of seamen when payment is deducted or to be deducted from the seaman's wage.

(2) A person violating this subsection is liable to the United States Government for a civil penalty of not more than \$500. A payment made in violation of this subsection does not relieve the vessel or the master from the duty to pay all wages after they have been earned.

Civil penalty.

(b) A person demanding or receiving from a seaman or an individual seeking employment as a seaman, remuneration for providing the seaman or individual with employment, is liable to the Government for a civil penalty of not more than \$500.

Civil penalty.

(c) This section applies to a foreign vessel when in waters of the United States. An owner, charterer, managing operator, agent, or master of a foreign vessel violating this section is liable to the Government for the same penalty as an owner, charterer, managing operator, agent, or master of a vessel of the United States for the same violation.

(d) The owner, charterer, managing operator, agent, or master of a vessel seeking clearance from a port of the United States shall present the agreement required by section 10302 of this title at the office of clearance. Clearance may be granted to a vessel only if this section has been complied with.

(e) This section does not apply to a fishing or whaling vessel or a yacht. However, this section applies to a vessel taking oysters.

#### § 10315. Allotments

(a) Under prescribed regulations, a seaman may stipulate as follows in the agreement required by section 10302 of this title for an allotment of any part of the wages the seaman may earn:

(1) to the seaman's grandparents, parents, spouse, sister, brother, or children;

(2) to an agency designated by the Secretary of the Treasury to handle applications for United States savings bonds, to purchase bonds for the seaman; and

(3) for deposits to be made in an account for savings or investment opened by the seaman and maintained in the seaman's name at a savings bank or a savings institution in which the accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(b) An allotment is valid only if made in writing and signed by and approved by a shipping commissioner. The shipping commissioner shall examine allotments and the parties to them to enforce compliance with the law. Stipulations for allotments made at the beginning of a voyage shall be included in the agreement and shall state the amounts and times of payment and the person to whom payments are to be made.

Civil penalty.

(c) Only an allotment complying with this section is lawful. A person falsely claiming qualification as an allottee under this section is liable to the United States Government for a civil penalty of not more than \$500.

(d) The owner, charterer, managing operator, agent, or master of a vessel seeking clearance from a port of the United States shall present the agreement at the office of clearance. Clearance may be granted to a vessel only if this section has been complied with.

(e) This section applies to a foreign vessel when in waters of the United States. An owner, charterer, managing operator, agent, or master of a foreign vessel violating this section is liable to the Government for the same penalty as an owner, charterer, managing operator, agent, or master of a vessel of the United States for the same violation.

#### § 10316. Trusts

Sections 10314 and 10315 of this title do not prevent an employer from making deductions from the wages of a seaman, with the written consent of the seaman, if—

(1) the deductions are paid into a trust fund established only for the benefit of seamen employed by that employer, and the families and dependents of those seamen (or of those seamen, families, and dependents jointly with other seamen employed by other employers, and the families and dependents of the other seamen); and

(2) the payments are held in trust to provide, from principal or interest, or both, any of the following benefits for those seamen and their families and dependents:

(A) medical or hospital care, or both.

(B) pensions on retirement or death of the seaman.

(C) life insurance.

(D) unemployment benefits.

(E) compensation for illness or injuries resulting from occupational activity.

(F) sickness, accident, and disability compensation.

(G) purchasing insurance to provide any of the benefits specified in this section.

#### § 10317. Loss of lien and right to wages

A master or seaman by any agreement other than one provided for in this chapter may not forfeit the master's or seaman's lien on the vessel or be deprived of a remedy to which the master or seaman otherwise would be entitled for the recovery of wages. A stipulation in an agreement inconsistent with this chapter, or a stipulation by which a seaman consents to abandon a right to wages if the vessel is lost, or to abandon a right the seaman may have or obtain in the nature of salvage, is void.

#### § 10318. Wages on discharge in foreign ports

(a) When a master or seaman applies to a consular officer for the discharge of the seaman, the consular officer shall require the master to pay the seaman's wages if it appears that the seaman has carried out the agreement required by section 10302 of this title or otherwise is entitled to be discharged. Then the consular officer shall discharge the seaman. A consular officer shall require the payment of extra wages only as provided in this section or in chapter 109 of this title.

(b) When discharging a seaman, a consular officer who fails to require the payment of the wages due a seaman at the time, and of the extra wages due under subsection (a) of this section, is accountable to the United States Government for the total amount.

(c) A seaman discharged under this section with the consent of the seaman is entitled to wages up to the time of discharge, but not for any additional period.

(d) If the seaman is discharged involuntarily, and it appears that the discharge was not because of neglect of duty, incompetency, or injury incurred on the vessel, the master shall provide the seaman with employment on a vessel agreed to by the seaman or shall provide the seaman with one month's extra wages.

(e) Expenses for the maintenance and return of an ill or injured seaman to the United States shall be paid by the Secretary of State. If a seaman is incapacitated by illness or injury and prompt discharge is necessary, but a personal appearance of the master before a consular officer is impracticable, the master may provide transportation to the seaman to the nearest consular officer for discharge.

(f) A deduction from wages of the seaman is permitted only if the deduction appears in the account of the seaman required to be delivered under section 10310 of this title, except for matters arising after delivery of the account, in which case a supplementary account is required. During a voyage, the master shall record in the official logbook the matters about which deductions are to be made with the amounts of the deductions. The entries shall be made as the matters occur. The master shall produce the official logbook at the time of payment of wages, and also before a competent authority on the hearing of any complaint or question about the payment of wages.

#### **§ 10319. Costs of a criminal conviction**

In a proceeding about a seaman's wages, if it is shown that the seaman was convicted during the voyage of an offense by a competent tribunal and sentenced by the tribunal, the court hearing the case may direct that a part of the wages due the seaman, but not more than \$15, be applied to reimburse the master for costs properly incurred in procuring the conviction and sentence.

#### **§ 10320. Records of seamen**

The Secretary may prescribe regulations for reporting by a master of matters about the engagement, discharge, or service of seamen that may be needed in keeping central records of seamen.

#### **§ 10321. General penalty**

The owner, charterer, managing operator, agent, or master of a vessel on which a seaman is carried in violation of this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of \$200 for each seaman carried in violation. The vessel also is liable in rem for the penalty.

## **CHAPTER 105—COASTWISE VOYAGES**

Sec.

10501. Application.

10502. Shipping articles agreements.

10503. Exhibiting merchant mariners' documents.

10504. Wages.

10505. Advances.

10506. Trusts.

10507. Duties of shipping commissioners.  
 10508. General penalties.  
 10509. Penalty for failing to begin voyage.

### § 10501. Application

*Ante*, p. 561.

(a) Except for a vessel to which chapter 103 of this title applies, this chapter applies to a vessel of at least 50 gross tons on a voyage between a port in one State and a port in another State (except an adjoining State).

(b) This chapter does not apply to a vessel on which the seamen are entitled by custom or agreement to share in the profit or result of a voyage.

(c) Unless otherwise provided, this chapter does not apply to a foreign vessel.

### § 10502. Shipping articles agreements

(a) Before proceeding on a voyage, the master of a vessel to which this chapter applies shall make a shipping articles agreement in writing with each seaman on board, declaring the nature of the voyage or the period of time for which the seaman is engaged.

(b) The agreement shall include the date and hour on which the seaman must be on board to begin the voyage.

(c) The agreement may not contain a provision on the allotment of wages or a scale of provisions.

### § 10503. Exhibiting merchant mariners' documents

Before signing the agreement required by section 10502 of this title, a seaman required by section 8701 of this title to have a merchant mariner's document shall exhibit to the master a document issued to the seaman and appropriately endorsed for the capacity in which the seaman is to serve.

### § 10504. Wages

(a) After the beginning of a voyage, a seaman is entitled to receive from the master, on demand, one-half of the balance of wages earned and unpaid at each port at which the vessel loads or delivers cargo during the voyage. A demand may not be made before the expiration of 5 days from the beginning of the voyage, not more than once in 5 days, and not more than once in the same port on the same entry. If a master does not comply with this subsection, the seaman is released from the agreement required by section 10502 of this title and is entitled to payment of all wages earned. Notwithstanding a release signed by a seaman under section 10312 of this title, a court having jurisdiction may set aside, for good cause shown, the release and take action that justice requires. This subsection does not apply to a fishing or whaling vessel or a yacht. However, this subsection applies to a vessel taking oysters.

(b) The master shall pay a seaman the balance of wages due the seaman within 2 days after the termination of the agreement required by section 10502 of this title or when the seaman is discharged, whichever is earlier.

(c) When payment is not made as provided under subsection (b) of this section without sufficient cause, the master or owner shall pay to the seaman 2 days' wages for each day payment is delayed.

(d) Subsections (b) and (c) of this section do not apply to a fishing or whaling vessel or a yacht. However, subsections (b) and (c) apply to a vessel taking oysters.

Delayed  
payment.

(e) This section applies to a seaman on a foreign vessel when in harbor of the United States. The courts are available to the seaman for the enforcement of this section.

#### § 10505. Advances

(a)(1) A person may not—

(A) pay a seaman wages in advance of the time when the seaman has earned the wages;

(B) pay advance wages of the seaman to another person; or

(C) make to another person an order, note, or other evidence of indebtedness of the wages, or pay another person, for the engagement of seamen when payment is deducted or to be deducted from the seaman's wage.

(2) A person violating this subsection is liable to the United States Government for a civil penalty of not more than \$100. A payment made in violation of this subsection does not relieve the vessel or the master from the duty to pay all wages after they have been earned.

Civil penalty.

(b) A person demanding or receiving from a seaman or an individual seeking employment as a seaman, remuneration for providing the seaman or individual with employment, is liable to the Government for a civil penalty of not more than \$500.

Civil penalty.

(c) The owner, charterer, managing operator, agent, or master of a vessel seeking clearance from a port of the United States shall present the agreement required by section 10502 of this title at the office of clearance. Clearance may be granted to a vessel only if this section has been complied with.

(d) This section does not apply to a fishing or whaling vessel or a yacht. However, this section applies to a vessel taking oysters.

#### § 10506. Trusts

Section 10505 of this title does not prevent an employer from making deductions from the wages of a seaman, with the written consent of the seaman, if—

(1) the deductions are paid into a trust fund established only for the benefit of seamen employed by that employer, and the families and dependents of those seamen (or of those seamen, families, and dependents jointly with other seamen employed by other employers, and the families and dependents of the other seamen); and

(2) the payments are held in trust to provide, from principal or interest, or both, any of the following benefits for those seamen and their families and dependents:

(A) medical or hospital care, or both.

(B) pensions on retirement or death of the seaman.

(C) life insurance.

(D) unemployment benefits.

(E) compensation for illness or injuries resulting from occupational activity.

(F) sickness, accident, and disability compensation.

(G) purchasing insurance to provide any of the benefits specified in this section.

#### § 10507. Duties of shipping commissioners

(a) At the option of the owner or master of a vessel to which this chapter applies, a shipping commissioner may engage and discharge the crew.



*Infra.*

(b) When a crew is engaged under this section, sections 10302, 10303, 10305, 10307, 10311, 10312, 10313(b)-(f), and 10321, and chapter 107 of this title apply.

#### § 10508. General penalties

(a) A master who carries a seaman on a voyage without first making the agreement required by section 10502 of this title shall pay to the seaman the highest wage that was paid for a similar voyage within the 3 months before the time of engagement at the port or place at which the seaman was engaged. A seaman who has not signed an agreement is not bound by the applicable regulations, penalties, or forfeitures.

(b) A master engaging a seaman in violation of this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of \$20. The vessel also is liable in rem for the penalty.

#### § 10509. Penalty for failing to begin voyage

(a) A seaman who fails to be on board at the time contained in the agreement required by section 10502 of this title, without having given 24 hours' notice of inability to do so, shall forfeit, for each hour's lateness, one-half of one day's pay to be deducted from the seaman's wages if the lateness is recorded in the official logbook on the date of the violation.

(b) A seaman who does not report at all or subsequently deserts forfeits all wages.

(c) This section does not apply to a fishing or whaling vessel or a yacht.

### CHAPTER 107—EFFECTS OF DECEASED SEAMEN

Sec.

10701. Application.

10702. Duties of masters.

10703. Procedures of masters.

10704. Duties of consular officers.

10705. Disposition of money, property, and wages by consular officers.

10706. Seamen dying in the United States.

10707. Delivery to district court.

10708. Sale of property.

10709. Distribution.

10710. Unclaimed money, property, and wages.

10711. Penalties.

#### § 10701. Application

(a) Except as otherwise specifically provided, this chapter applies to a vessel on a voyage between—

(1) a port of the United States and a port in a foreign country (except a port in Canada, Mexico, and the West Indies); and

(2) a port of the United States on the Atlantic Ocean and a port of the United States on the Pacific Ocean.

(b) This chapter does not apply to a vessel on which a seaman by custom or agreement is entitled to share in the profit or result of a voyage.

(c) This chapter does not apply to a foreign vessel.

#### § 10702. Duties of masters

(a) When a seaman dies during a voyage, the master shall take charge of the seaman's money and property. An entry shall be made

in the official logbook, signed by the master, the chief mate, and an unlicensed crewmember containing an inventory of the money and property and a statement of the wages due the seaman, with the total of the deductions to be made.

(b) On compliance with this chapter, the master shall obtain a written certificate of compliance from a shipping commissioner. Clearance may be granted to a foreign-bound vessel only when the certificate is received at the office of customs.

Compliance  
certificate.

#### § 10703. Procedures of masters

(a) If the vessel is proceeding to the United States when a seaman dies, the master shall deliver the seaman's money, property, and wages when the agreement required by this part is ended, as provided by regulations prescribed by the Secretary.

(b) If the vessel touches at a foreign port after the death of the seaman, the master shall report to the first available consular officer. The consular officer may require the master to deliver to the officer the money, property, and wages of the seaman. The consular officer shall give the master a receipt for the matters delivered and certify on the agreement the particulars of the delivery. When the agreement ends, the master shall deliver the receipt as prescribed by regulations.

(c) If the consular officer does not require the master to deliver the seaman's money, property, and wages, the officer shall so certify on the agreement, and the master shall dispose of the money, property, and wages as provided under subsection (a) of this section.

(d) A deduction from the account of a deceased seaman is valid only if certified by a proper entry in the official logbook.

#### § 10704. Duties of consular officers

When a seaman dies outside the United States leaving money or property not on board a vessel, the consular officer nearest the place at which the money and property is located shall claim and take charge of it.

#### § 10705. Disposition of money, property, and wages by consular officers

When money, property, or wages of a deceased seaman comes into possession of a consular officer, the officer may—

- (1) sell the property and remit the proceeds and other money or wages of the seaman the officer has received, to the district court of the United States for the district in which the voyage begins or ends; or
- (2) deliver the money, property, and wages to the district court.

#### § 10706. Seamen dying in the United States

When a seaman dies in the United States and is entitled at death to claim money, property, or wages from the master or owner of a vessel on which the seaman served, the master or owner shall deliver the money, property, and wages as provided by regulations prescribed by the Secretary.

#### § 10707. Delivery to district court

The Secretary shall provide for the delivery to a district court of the United States of the money, property, and wages of a deceased seaman within one week from the date of receipt.

**§ 10708. Sale of property**

A district court of the United States may direct the sale of any part of the property of a deceased seaman. Proceeds of the sale shall be held as wages of the seaman are held.

**§ 10709. Distribution**

(a)(1) If the money, property, and wages of a seaman, including proceeds from the sale of property, are not more than \$1,500 in value, and subject to deductions it allows for expenses and at least 60 days after receiving the money, property, and wages, the court may deliver the money, property, and wages to a claimant proving to be—

- (A) the seaman's surviving spouse or child;
- (B) entitled to the money, property, and wages under the seaman's will or under a law or at common law; or
- (C) entitled to secure probate, or take out letters of administration, although no probate or letters of administration have been issued.

(2) The court is released from further liability for the money, property, and wages distributed under paragraph (1) of this subsection.

(3) Instead of acting under paragraphs (1) and (2) of this subsection, the court may require probate or letters of administration to be taken out, and then deliver the money, property, and wages to the legal representative of the seaman.

(b) If the money, property, and wages are more than \$1,500 in value, the court, subject to deductions for expenses, shall deliver the money, property, and wages to the legal representative of the seaman.

**§ 10710. Unclaimed money, property, and wages**

(a) When a claim for the money, property, or wages of a deceased seaman held by a district court of the United States has not been substantiated within 6 years after their receipt by the court, the court, if a subsequent claim is made, may allow or refuse the claim.

(b) If, after money, property, and wages have been held by the court for 6 years, it appears to the court that no claim will have to be satisfied, the property shall be sold. The money and wages and the proceeds from the sale shall be deposited in the Treasury trust fund receipt account "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown".

**§ 10711. Penalties**

An owner or master violating this chapter are each liable to the United States Government for a civil penalty of 3 times the value of the seaman's money, property, and wages involved or, if the value is not determined, of \$200.

## CHAPTER 109—PROCEEDINGS ON UNSEAWORTHINESS

Sec.

- 10901. Application.
- 10902. Complaints of unfitness.
- 10903. Proceedings on examination of vessel.
- 10904. Refusal to proceed.
- 10905. Complaints in foreign ports.

10906. Discharge of crew for unsuitability.  
 10907. Permission to make complaint.  
 10908. Penalty for sending unseaworthy vessel to sea.

### § 10901. Application

This chapter applies to a vessel of the United States except a fishing or whaling vessel or a yacht.

### § 10902. Complaints of unfitness

(a)(1) If the chief and second mates or a majority of the crew of a vessel ready to begin a voyage discover, before the vessel leaves harbor, that the vessel is unfit as to crew, hull, equipment, tackle, machinery, apparel, furniture, provisions of food or water, or stores to proceed on the intended voyage and require the unfitness to be inquired into, the master immediately shall apply to the district court of the United States at the place at which the vessel is located, or, if no court is being held at the place at which the vessel is located, to a judge or justice of the peace, for the appointment of surveyors. At least 2 complaining seamen shall accompany the master to the judge or justice of the peace.

(2) A master failing to comply with this subsection is liable to the United States Government for a civil penalty of \$500.

Civil penalty.

(b)(1) Any 3 seamen of a vessel may complain that the provisions of food or water for the crew are, at any time, of bad quality, unfit for use, or deficient in quantity. The complaint may be made to the commanding officer of a United States naval vessel, consular officer, Coast Guard shipping commissioner, or chief official of the Customs Service.

(2) The officer, commissioner, or official shall examine, or have examined, the provisions of food or water. If the provisions are found to be of bad quality, unfit for use, or deficient in quantity, the person making the findings shall certify to the master of the vessel which provisions are of bad quality, unfit for use, or deficient.

(3) The officer, commissioner, or official to whom the complaint was made shall—

(A) make an entry in the official logbook of the vessel on the results of the examination; and

(B) submit a report on the examination to the district court of the United States at which the vessel is to arrive, with the report being admissible into evidence in any legal proceeding.

Report.

(4) The master is liable to the Government for a civil penalty of not more than \$100 each time the master, on receiving the certification referred to in paragraph (2) of this subsection—

Civil penalty.

(A) does not provide other proper provisions of food or water, when available, in place of the provisions certified as of bad quality or unfit for use;

(B) does not obtain sufficient provisions when the certification includes a finding of a deficiency in quantity; or

(C) uses provisions certified to be of bad quality or unfit for use.

### § 10903. Proceedings on examination of vessel

(a) On application made under section 10902(a) of this title, the judge or justice of the peace shall appoint 3 experienced and skilled marine surveyors to examine the vessel for the defects or insufficiencies complained of. The surveyors have the authority to receive and consider evidence necessary to evaluate the complaint. When

Appointment of surveyors.

Written report.

the complaint involves provisions of food or water, one of the surveyors shall be a medical officer of the Public Health Service, if available. The surveyors shall make a report in writing, signed by at least 2 of them, stating whether the vessel is fit to proceed to sea or, if not, in what respect it is unfit, making appropriate recommendations about additional seamen, provisions, or stores, or about physical repairs, alterations, or additions necessary to make the vessel fit.

(b) On receiving the report, the judge or justice of the peace shall endorse on the report the judgment of the judge or justice on whether the vessel is fit to proceed on the voyage, and, if not, whether the vessel may proceed to another port at which the deficiencies can be corrected. The master and the crew shall comply with the judgment.

(c) The master shall pay all costs of the survey, report, and judgment. However, if the complaint of the crew appears in the report and judgment to have been without foundation, or if the complaint involved provisions of food or water, without reasonable grounds, the master or owner may deduct the amount of the costs and reasonable damages for the detention of the vessel, as determined by the judge or justice of the peace, from the wages of the complaining seamen.

Civil penalty.

(d) A master of a vessel violating this section who refuses to pay the costs and wages is liable to the United States Government for a civil penalty of \$100 and is liable in damages to each person injured by the refusal.

#### § 10904. Refusal to proceed

After a judgment under section 10903 of this title that a vessel is fit to proceed on the intended voyage, or after the order of a judgment to make up deficiencies is complied with, if a seaman does not proceed on the voyage, the unpaid wages of the seaman are forfeited.

#### § 10905. Complaints in foreign ports

(a) When a complaint under section 10902(a) of this title is made in a foreign port, the procedures of this chapter shall be followed, with a consular officer performing the duties of the judge or justice of the peace.

(b) On review of the marine surveyors' report, the consular officer may approve and must certify any part of the report with which the officer agrees. If the consular officer dissents from any part of the report, the officer shall certify reasons for dissenting from that part.

#### § 10906. Discharge of crew for unsuitability

When a survey is made at a foreign port, the surveyors shall state in the report whether, in their opinion, the vessel had been sent to sea unsuitably provided in any important particular, by neglect or design or through mistake or accident. If by neglect or design, and the consular officer approves the finding, the officer shall discharge a seaman requesting discharge and shall require the master to pay one month's wages to that seaman in addition to wages then due, or sufficient money for the return of the seaman to the nearest and most convenient port of the United States, whichever is the greater amount.

**§ 10907. Permission to make complaint**

(a) A master may not refuse to permit, deny the opportunity to, or hinder a seaman who wishes to make a complaint authorized by this chapter.

(b) A master violating this section is liable to the United States Government for civil penalty of \$500.

Civil penalty.

**§ 10908. Penalty for sending unseaworthy vessel to sea**

A person that knowingly sends or attempts to send, or that is a party to sending or attempting to send, a vessel of the United States to sea, in an unseaworthy state that is likely to endanger the life of an individual, shall be fined not more than \$1,000, imprisoned for not more than 5 years, or both.

**CHAPTER 111—PROTECTION AND RELIEF**

Sec.

- 11101. Accommodations for seamen.
- 11102. Medicine chests.
- 11103. Slop chests.
- 11104. Destitute seamen.
- 11105. Wages on discharge when vessel sold.
- 11106. Wages on justifiable complaint of seamen.
- 11107. Unlawful engagements void.
- 11108. Taxes.
- 11109. Attachment of wages.
- 11110. Seamen's clothing.
- 11111. Limit on amount recoverable on voyage.

**§ 11101. Accommodations for seamen**

(a) On a merchant vessel of the United States the construction of which began after March 4, 1915 (except a yacht, pilot vessel, or vessel of less than 100 gross tons)—

(1) each place appropriated to the crew of the vessel shall have a space of at least 120 cubic feet and at least 16 square feet, measured on the floor or deck of that place, for each seaman or apprentice lodged in the vessel;

(2) each seaman shall have a separate berth and not more than one berth shall be placed one above another;

(3) the place or berth shall be securely constructed, properly lighted, drained, heated, and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvium of cargo or bilge water; and

(4) crew space shall be kept free from goods or stores that are not the personal property of the crew occupying the place in use during the voyage.

(b) In addition to the requirements of subsection (a) of this section, a merchant vessel of the United States that in the ordinary course of trade makes a voyage of more than 3 days' duration between ports and carries a crew of at least 12 seamen shall have a hospital compartment, suitably separated from other spaces. The compartment shall have at least one bunk for each 12 seamen constituting the crew (but not more than 6 bunks may be required).

(c) A steam vessel of the United States operating on the Mississippi River or its tributaries shall provide, under the direction and approval of the Secretary, an appropriate place for the crew that shall conform to the requirements of this section, as far as they apply to the steam vessel, by providing a properly heated sleeping room in the engineroom of the steam vessel properly protected from

the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck.

(d) A merchant vessel of the United States, the construction of which began after March 4, 1915, having more than 10 seamen on deck, shall have at least one light, clean, and properly heated and ventilated washing place. There shall be provided at least one washing outfit for each 2 seamen of the watch. A separate washing place shall be provided for the fireroom and engineroom seamen, if their number is more than 10, that shall be large enough to accommodate at least one-sixth of them at the same time, and have a hot and cold water supply and a sufficient number of washbasins, sinks, and shower baths.

(e) Forecastsles shall be fumigated at intervals provided by regulations prescribed by the Secretary of Health and Human Services, with the approval of the Secretary, and shall have at least 2 exits, one of which may be used in emergencies.

Civil penalty.

(f) The owner, charterer, managing operator, agent, master, or licensed individual of a vessel not complying with this section is liable to the United States Government for a civil penalty of at least \$50 but not more than \$500.

#### § 11102. Medicine chests

(a) A vessel of the United States on a voyage from a port in the United States to a foreign port (except to a Canadian port), and a vessel of the United States of at least 75 gross tons on a voyage between a port of the United States on the Atlantic Ocean and Pacific Ocean, shall be provided with a medicine chest.

Civil penalty.

(b) The owner and master of a vessel not equipped as required by subsection (a) of this section or a regulation prescribed under subsection (a) are liable to the United States Government for a civil penalty of \$500. If the offense was due to the fault of the owner, a master penalized under this section has the right to recover the penalty and costs from the owner.

#### § 11103. Slop chests

(a) A vessel to which section 11102 of this title applies shall be provided with a slop chest containing sufficient clothing for the intended voyage for each seaman, including—

- (1) boots or shoes;
- (2) hats or caps;
- (3) underclothing;
- (4) outer clothing;
- (5) foul weather clothing;
- (6) everything necessary for the wear of a seaman; and
- (7) a complete supply of tobacco and blankets.

(b) Merchandise in the slop chest shall be sold to a seaman desiring it, for the use of the seaman, at a profit of not more than 10 percent of the reasonable wholesale value of the merchandise at the port at which the voyage began.

(c) This section does not apply to a vessel on a voyage to Canada, Bermuda, the West Indies, Mexico, or Central America, or a fishing or whaling vessel.

#### § 11104. Destitute seamen

(a) A consular officer shall provide, for a destitute seaman of the United States, subsistence and passage to a port of the United States

in the most reasonable manner, at the expense of the United States Government and subject to regulations prescribed by the Secretary of State. A seaman, if able, shall be required to perform duties on the vessel giving the seaman passage, in accordance with the seaman's rating.

(b) A master of a vessel of the United States bound to a port of the United States shall take a destitute seaman on board at the request of a consular officer and transport the seaman to the United States. A master refusing to transport a destitute seaman when requested is liable to the United States Government for a civil penalty of \$100. The certificate signed and sealed by a consular officer is prima facie evidence of refusal. A master is not required to carry a destitute seaman if the seaman's presence would cause the number of individuals on board to exceed the number permitted in the certificate of inspection or if the seaman has a contagious disease.

Civil penalty.

(c) Compensation for the transportation of destitute seamen to the United States who are unable to work shall be agreed on by the master and the consular officer, under regulations prescribed by the Secretary of State. However, the compensation may be not more than the lowest passenger rate of the vessel, or 2 cents a mile, whichever is less.

Transportation compensation.

(d) When a master of a vessel of the United States takes on board a destitute seaman unable to work, from a port or place not having a consular officer, for transportation to the United States or to a port at which there is a consular officer, the master or owner of the vessel shall be compensated reasonably under regulations prescribed by the Secretary of State.

#### § 11105. Wages on discharge when vessel sold

(a) When a vessel of the United States is sold in a foreign country, the master shall deliver to the consular officer a certified crew list and the agreement required by this part. The master shall pay each seaman the wages due the seaman and provide the seaman with employment on board another vessel of the United States bound for the port of original engagement of the seaman or to another port agreed on. If employment cannot be provided, the master shall—

(1) provide the seaman with the means to return to the port of original engagement;

(2) provide the seaman passage to the port of original engagement; or

(3) deposit with the consular officer an amount of money considered sufficient by the officer to provide the seaman with maintenance and passage home.

(b) The consular officer shall endorse on the agreement the particulars of the payment, provision, or deposit made under this section.

(c) An owner of a vessel is liable to the United States Government for a civil penalty of \$500 if the master does not comply with this section.

Civil penalty.

#### § 11106. Wages on justifiable complaint of seamen

(a) Before a seaman on a vessel of the United States is discharged in a foreign country by a consular officer on the seaman's complaint that the agreement required by this part has been breached because the vessel is badly provisioned or unseaworthy, or against the officers for cruel treatment, the officer shall inquire about the complaint. If satisfied of the justice of the complaint, the consular



officer shall require the master to pay the wages due the seaman plus one month's additional wages and shall discharge the seaman. The master shall provide the seaman with employment on another vessel or provide the seaman with passage on another vessel to the port of original engagement, to the most convenient port of the United States, or to some port agreeable to the seaman.

(b) When a vessel does not have sufficient provisions for the intended voyage, and the seaman has been forced to accept a reduced ration or provisions that are bad in quality or unfit for use, the seaman is entitled to recover from the master or owner an allowance, as additional wages, that the court hearing the case considers reasonable.

(c) Subsection (b) of this section does not apply when the reduction in rations was for a period during which the seaman willfully and without sufficient cause failed to perform duties or was lawfully under confinement on board or on shore for misconduct, unless that reduction can be shown to have been unreasonable.

(d) Subsection (b) of this section does not apply to a fishing or whaling vessel or a yacht.

#### **§ 11107. Unlawful engagements void**

An engagement of a seaman contrary to a law of the United States is void. A seaman so engaged may leave the service of the vessel at any time and is entitled to recover the highest rate of wages at the port from which the seaman was engaged or the amount agreed to be given the seaman at the time of engagement, whichever is higher.

#### **§ 11108. Taxes**

Wages due or accruing to a master or seaman on a vessel in the foreign, coastwise, intercoastal, interstate, or noncontiguous trade or a fisherman employed on a fishing vessel may not be withheld under the tax laws of a State or a political subdivision of a State. However, this section does not prohibit withholding wages of a seaman on a vessel in the coastwise trade between ports in the same State if the withholding is under a voluntary agreement between the seaman and the employer of the seaman.

#### **§ 11109. Attachment of wages**

(a) Wages due or accruing to a master or seaman are not subject to attachment or arrestment from any court, except for an order of a court about the payment by a master or seaman of any part of the master's or seaman's wages for the support and maintenance of the spouse or minor children of the master or seaman, or both. A payment of wages to a master or seaman is valid, notwithstanding any prior sale or assignment of wages or any attachment, encumbrance, or arrestment of the wages.

(b) An assignment or sale of wages or salvage made before the payment of wages does not bind the party making it, except allotments authorized by section 10315 of this title.

(c) This section applies to a fisherman on a fishing vessel.

#### **§ 11110. Seamen's clothing**

The clothing of a seaman is exempt from attachments and liens. A person detaining a seaman's clothing shall be fined not more than \$500, imprisoned for not more than 6 months, or both.

**§ 11111. Limit on amount recoverable on voyage**

When a seaman is on a voyage on which a written agreement is required under this part, not more than \$1 is recoverable from the seaman by a person for a debt incurred by the seaman during the voyage for which the seaman is signed on until the voyage is ended.

**CHAPTER 113—OFFICIAL LOGBOOKS**

Sec.

11301. Logbook and entry requirements.

11302. Manner of making entries.

11303. Penalties.

**§ 11301. Logbook and entry requirements**

(a) A vessel of the United States on a voyage between a port in the United States and a port in a foreign country, and a vessel of the United States of at least 75 gross tons on a voyage between a port of the United States on the Atlantic Ocean and a port of the United States on the Pacific Ocean, shall have an official logbook.

(b) The master of the vessel shall make or have made in the official logbook the following entries:

(1) each legal conviction of a seaman of the vessel and the punishment inflicted.

(2) each offense committed by a seaman of the vessel for which it is intended to prosecute or to enforce under a forfeiture, together with statements about reading the entry and the reply made to the charge as required by section 11502 of this title.

(3) each offense for which punishment is inflicted on board and the punishment inflicted.

(4) a statement of the conduct, character, and qualifications of each seaman of the vessel or a statement that the master declines to give an opinion about that conduct, character, and qualifications.

(5) each illness of or injury to a seaman of the vessel, the nature of the illness or injury, and the medical treatment.

(6) each death on board, with the cause of death, and if a seaman, the information required by section 10702 of this title.

(7) each birth on board, with the sex of the infant and name of the parents.

(8) each marriage on board, with the names and ages of the parties.

(9) the name of each seaman who ceases to be a crewmember (except by death), with the place, time, manner, and the cause why the seaman ceased to be a crewmember.

(10) the wages due to a seaman who dies during the voyage and the gross amount of all deductions to be made from the wages.

(11) the sale of the property of a seaman who dies during the voyage, including a statement of each article sold and the amount received for the property.

(12) when a marine casualty occurs, a statement about the casualty and the circumstances under which it occurred, made immediately after the casualty when practicable to do so.

**§ 11302. Manner of making entries**

Each entry made in the official logbook—

- (1) shall be made as soon as possible after the occurrence;
- (2) if not made on the day of the occurrence, shall be dated and state the date of the occurrence;
- (3) if the entry is about an occurrence happening before the vessel's arrival at the final port of discharge, shall be made not later than 24 hours after the arrival;
- (4) shall be signed by the master; and
- (5) shall be signed by the chief mate or another seaman.

### § 11303. Penalties

(a) A master failing to maintain an official logbook as required by this part is liable to the United States Government for a civil penalty of \$200.

(b) A master failing to make an entry in the vessel's official logbook as required by this part is liable to the Government for a civil penalty of \$200.

(c) A person is liable to the Government for a civil penalty of \$150 when the person makes, procures to be made, or assists in making, an entry in the vessel's official logbook—

- (1) later than 24 hours after the vessel's arrival at the final port of discharge; and
- (2) that is about an occurrence that happened before that arrival.

## CHAPTER 115—OFFENSES AND PENALTIES

### Sec.

- 11501. Penalties for specified offenses.
- 11502. Entry of offenses in logbook.
- 11503. Duties of consular officers related to insubordination.
- 11504. Enforcement of forfeitures.
- 11505. Disposal of forfeitures.
- 11506. Carrying sheath knives.
- 11507. Surrender of offending officers.

### § 11501. Penalties for specified offenses

When a seaman lawfully engaged commits any of the following offenses, the seaman shall be punished as specified:

(1) For desertion, the seaman forfeits any part of the money or property the seaman leaves on board and any part of earned wages.

(2) For neglecting or refusing without reasonable cause to join the seaman's vessel or to proceed to sea in the vessel, for absence without leave within 24 hours of the vessel's sailing from a port (at the beginning or during the voyage), or for absence without leave from duties and without sufficient reason, the seaman forfeits from the seaman's wages not more than 2 days' pay or a sufficient amount to defray expenses incurred in hiring a substitute.

(3) For quitting the vessel without leave after the vessel's arrival at the port of delivery and before the vessel is placed in security, the seaman forfeits from the seaman's wages not more than one month's pay.

(4) For willful disobedience to a lawful command at sea, the seaman, at the discretion of the master, may be confined until the disobedience ends, and on arrival in port forfeits from the seaman's wages not more than 4 days' pay or, at the discretion of the court, may be imprisoned for not more than one month.

(5) For continued willful disobedience to lawful command or continued willful neglect of duty at sea, the seaman, at the discretion of the master, may be confined, on water and 1,000 calories, with full rations every 5th day, until the disobedience ends, and on arrival in port forfeits, for each 24 hours' continuance of the disobedience or neglect, not more than 12 days' pay or, at the discretion of the court, may be imprisoned for not more than 3 months.

(6) For assaulting a master, mate, pilot, engineer, or staff officer, the seaman shall be imprisoned for not more than 2 years.

(7) For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, the seaman forfeits from the seaman's wages the amount of the loss sustained and, at the discretion of the court, may be imprisoned for not more than 12 months.

(8) For smuggling for which a seaman is convicted causing loss or damage to the owner or master, the seaman is liable to the owner or master for the loss or damage, and any part of the seaman's wages may be retained to satisfy the liability. The seaman also may be imprisoned for not more than 12 months.

#### § 11502. Entry of offenses in logbook

(a) When an offense listed in section 11501 of this title is committed, an entry shall be made in the vessel's official logbook—

- (1) on the day of the offense;
- (2) stating the details;
- (3) signed by the master; and
- (4) signed by the chief mate or another seaman.

(b) Before arrival in port if the offense was committed at sea, or before departure if the offense was committed in port and the offender is still on the vessel—

- (1) the entry shall be read to the offender;
- (2) the offender shall be given a copy; and
- (3) the offender shall be given the opportunity to reply.

(c) After subsection (b) of this section has been complied with, an entry shall be made in the official logbook—

- (1) stating that the entry about the offense was read and a copy provided to the offender;
- (2) stating the offender's reply;
- (3) signed by the master; and
- (4) signed by the chief mate or another seaman.

(d) In a subsequent legal proceeding, if the entries required by this section are not produced or proved, the court may refuse to receive evidence of the offense.

Legal  
proceedings.

#### § 11503. Duties of consular officers related to insubordination

(a) A consular officer shall use every means to discountenance insubordination on vessels of the United States, including employing the aid of local authorities.

(b) When a seaman is accused of insubordination, a consular officer shall inquire into the facts and proceed as provided in section 11106 of this title. If the consular officer discharges the seaman, the officer shall endorse the agreement required by this part and enter in the vessel's official logbook the cause and particulars of the discharge.

**§ 11504. Enforcement of forfeitures**

When an offense by a seaman also is a criminal violation, it is not necessary that a criminal proceeding be brought to enforce a forfeiture.

**§ 11505. Disposal of forfeitures**

(a) Money, property, and wages forfeited under this chapter for desertion may be applied to compensate the owner or master of the vessel for expenses caused by the desertion. The balance shall be transferred to the Secretary when the voyage is completed, as prescribed by the Secretary.

(b) Within one month of receiving the balance under subsection (a) of this section, the Secretary shall transfer the balance to the appropriate district court of the United States. If it appears to the district court that the forfeiture was imposed properly, the property transferred may be sold in the same manner prescribed for the disposition of the property of deceased seamen. The court shall deposit in the Treasury as miscellaneous receipts the proceeds of the sale and any money and wages transferred to the court.

Civil penalty.

(c) When an owner or master fails to transfer the balance as required under subsection (a) of this section, the owner or master is liable to the United States Government for a civil penalty of 2 times the amount of the balance, recoverable by the Secretary in the same manner that seaman's wages are recovered.

(d) In all other cases of forfeiture of wages, the forfeiture shall be for the benefit of the owner of the vessel.

**§ 11506. Carrying sheath knives**

A seaman in the merchant marine may not wear a sheath knife on board a vessel without the consent of the master. The master of a vessel of the United States shall inform each seaman of this prohibition before engagement. A master failing to advise a seaman is liable to the United States Government for a civil penalty of \$50.

Civil penalty.

**§ 11507. Surrender of offending officers**

When an officer of a vessel of the United States (except the master) has violated section 2191 of title 18, and the master has actual knowledge of the offense or if complaint is made within 3 days after reaching port, the master shall surrender the offending officer to the proper authorities. If the master fails to use diligence to comply with this section and the offender escapes, the owner, the master, and the vessel are liable for damages to the individual unlawfully punished.

18 USC 2191.

**PART H—IDENTIFICATION OF VESSELS****CHAPTER 121—DOCUMENTATION OF VESSELS****Sec.**

- 12101. Related terms in other laws.
- 12102. Vessels eligible for documentation.
- 12103. Certificates of documentation.
- 12104. Effect of documentation.
- 12105. Registry.
- 12106. Coastwise licenses and registry.
- 12107. Great Lakes licenses and registry.
- 12108. Fishery licenses and registry.
- 12109. Pleasure vessel licenses.

- 12110. Limitations on operations authorized by certificates.
- 12111. Invalidation of certificates of documentation.
- 12112. Vessels procured outside the United States.
- 12113. Ports of documentation.
- 12114. Home ports.
- 12115. Names of vessels.
- 12116. Numbers, signal letters, and identification markings.
- 12117. Recording of United States built vessels.
- 12118. Registration of funnel marks and house flags.
- 12119. List of documented vessels.
- 12120. Reports.
- 12121. Regulations.
- 12122. Penalties.

### § 12101. Related terms in other laws

When used in a law, regulation, document, ruling, or other official act referring to the documentation of a vessel—

Definitions.

- (1) "certificate of registry", "register", and "registry" mean a registry as provided in section 12105 of this title.
- (2) "license", "enrollment and license", "license for the coastwise (or coasting) trade", and "enrollment and license for the coastwise (or coasting) trade" mean a coastwise license as provided in section 12106 of this title.
- (3) "enrollment and license to engage in the foreign and coastwise (or coasting) trade on the northern, northeastern, and northwestern frontiers, otherwise than by sea" means a Great Lakes license as provided in section 12107 of this title.
- (4) "license for the fisheries" and "enrollment and license for the fisheries" mean a fishery license as provided in section 12108 of this title.
- (5) "yacht" means a pleasure vessel even if not documented.

### § 12102. Vessels eligible for documentation

A vessel of at least 5 net tons not registered under the laws of a foreign country is eligible for documentation if the vessel is owned by—

- (1) an individual who is a citizen of the United States;
- (2) an association, trust, joint venture, or other entity—
  - (A) all of whose members are citizens of the United States; and
  - (B) that is capable of holding title to a vessel under the laws of the United States or of a State;
- (3) a partnership whose general partners are citizens of the United States, and the controlling interest in the partnership is owned by citizens of the United States;
- (4) a corporation established under the laws of the United States or of a State, whose president or other chief executive officer and chairman of its board of directors are citizens of the United States and no more of its directors are noncitizens than a minority of the number necessary to constitute a quorum;
- (5) the United States Government; or
- (6) the government of a State.

### § 12103. Certificates of documentation

(a) On application by the owner of a vessel eligible for documentation, the Secretary shall issue a certificate of documentation of one of the types specified in sections 12105-12109 of this title.

(b) The Secretary may prescribe the form of, the manner of filing, and the information to be contained in, applications for certificates of documentation.

(c) Each certificate of documentation shall—

(1) contain the name, the home port, and a description of the vessel;

(2) identify the owner of the vessel; and

(3) contain additional information prescribed by the Secretary.

(d) The Secretary shall prescribe procedures to ensure the integrity of, and the accuracy of information contained in, certificates of documentation.

(e) The owner and master of a documented vessel shall make the vessel's certificate of documentation available for examination as the law or Secretary may require.

#### § 12104. Effect of documentation

A certificate of documentation is—

(1) conclusive evidence of nationality for international purposes, but not in a proceeding conducted under the laws of the United States;

(2) except for a pleasure vessel license, conclusive evidence of qualification to be employed in a specified trade; and

(3) not conclusive evidence of ownership in a proceeding in which ownership is in issue.

#### § 12105. Registry

(a) A registry may be issued for a vessel eligible for documentation.

(b) A vessel for which a registry is issued may be employed in foreign trade or trade with Guam, American Samoa, Wake, Midway, or Kingman Reef.

(c) On application of the owner of a vessel that qualifies for a coastwise license under section 12106 of this title, a Great Lakes license under section 12107 of this title, or a fishery license under section 12108 of this title, the Secretary may issue a registry appropriately endorsed authorizing the vessel to be employed in the coastwise trade, the Great Lakes trade, or the fisheries, as the case may be.

(d) Except as provided in sections 12106-12108 of this title, a foreign built vessel registered under this section may not engage in the coastwise trade, the Great Lakes trade, or the fisheries.

#### § 12106. Coastwise licenses and registry

(a) A coastwise license or, as provided in section 12105(c) of this title, an appropriately endorsed registry, may be issued for a vessel that—

(1) is eligible for documentation;

(2)(A) was built in the United States; or

(B) if not built in the United States, was captured in war by citizens of the United States and lawfully condemned as prize, was adjudged to be forfeited for a breach of the laws of the United States, or qualified for documentation under section 4136 of the Revised Statutes (46 App. U.S.C. 14); and

(3) otherwise qualifies under laws of the United States to be employed in the coastwise trade.

(b) Subject to the laws of the United States regulating the coastwise trade and the fisheries, only a vessel for which a coastwise license or an appropriately endorsed registry is issued may be employed in—

- (1) the coastwise trade; and
- (2) the fisheries.

#### § 12107. Great Lakes licenses and registry

(a) A Great Lakes license or, as provided in section 12105(c) of this title, an appropriately endorsed registry, may be issued for a vessel that—

- (1) is eligible for documentation;
- (2)(A) was built in the United States; or
- (B) if not built in the United States, was captured in war by citizens of the United States and lawfully condemned as prize, was adjudged to be forfeited for a breach of the laws of the United States, or qualified for documentation under section 4136 of the Revised Statutes (46 App. U.S.C. 14); and
- (3) otherwise qualifies under the laws of the United States to be employed in the coastwise trade.

(b) Subject to the laws of the United States regulating the coastwise trade, trade with Canada, and the fisheries, only a vessel for which a Great Lakes license or an appropriately endorsed registry is issued may be employed on the Great Lakes and their tributary and connecting waters in—

- (1) the coastwise trade;
- (2) trade with Canada; and
- (3) the fisheries.

#### § 12108. Fishery licenses and registry

(a) A fishery license or, as provided in section 12105(c) of this title, an appropriately endorsed registry, may be issued for a vessel that—

- (1) is eligible for documentation; and
- (2)(A) was built in the United States; or
- (B) if not built in the United States, was captured in war by citizens of the United States and lawfully condemned as prize, was adjudged to be forfeited for a breach of the laws of the United States, or qualified for documentation under section 4136 of the Revised Statutes (46 App. U.S.C. 14); and
- (3) otherwise qualifies under the laws of the United States to be employed in the fisheries.

(b) Subject to the laws of the United States regulating the fisheries, only a vessel for which a fishery license or an appropriately endorsed registry is issued may be employed in the fisheries.

#### § 12109. Pleasure vessel licenses

- (a) A pleasure vessel license may be issued for a vessel that is—
- (1) eligible for documentation; and
  - (2) to be operated only for pleasure.

(b) A licensed pleasure vessel may proceed between a port of the United States and a port of a foreign country without entering or clearing with the Customs Service.

(c) The Secretary may prescribe by regulation reasonable fees for issuing, renewing, or replacing a pleasure vessel license, or for providing any other service related to a pleasure vessel license. The fees shall be based on the costs of the service provided.



**§ 12110. Limitations on operations authorized by certificates**

(a) A vessel may not be employed in a trade except a trade covered by the certificate of documentation issued for that vessel. A documented pleasure vessel may be operated only for pleasure. However, a certificate of documentation may be exchanged, under regulations prescribed by the Secretary, for another type of certificate of documentation or endorsed appropriately for a trade for which the vessel qualifies.

(b) A barge qualified to be employed in the coastwise trade may be employed, without being documented, in that trade on rivers, harbors, lakes (except the Great Lakes), canals, and inland waters.

(c) When a vessel is employed in a trade not covered by the certificate of documentation issued for that vessel, or a documented pleasure vessel is operated except for pleasure, the vessel and its equipment are liable to seizure by and forfeiture to the United States Government.

(d) A documented vessel may be placed under the command only of a citizen of the United States.

**§ 12111. Invalidation of certificates of documentation**

(a) A certificate of documentation is invalid if the vessel for which it is issued—

(1) no longer meets the requirements of this chapter and regulations prescribed under this chapter applicable to that certificate of documentation; or

(2) is placed under the command of a person not a citizen of the United States.

(b) Except as provided by section 30(O) of the Merchant Marine Act, 1920 (46 App. U.S.C. 961(a)), an invalid certificate of documentation shall be surrendered as provided by regulations prescribed by the Secretary.

**§ 12112. Vessels procured outside the United States**

(a) The Secretary and the Secretary of State, acting jointly, may provide for the issuance of an appropriate document for a vessel procured outside the United States meeting the ownership requirements of section 12102 of this title.

(b) Subject to limitations the Secretary may prescribe, a vessel for which an appropriate document is issued under this section may proceed to the United States and engage en route in the foreign trade or trade with Guam, American Samoa, Wake, Midway, or Kingman Reef. On the vessel's arrival in the United States, the document shall be surrendered as provided by regulations prescribed by the Secretary.

Suspension.

(c) A vessel for which a document is issued under this section is subject to the jurisdiction and laws of the United States. However, the Secretary may suspend for a period of not more than 6 months, the application of a vessel inspection law carried out by the Secretary or regulations prescribed under that law if the Secretary considers the suspension to be in the public interest.

**§ 12113. Ports of documentation**

The Secretary shall designate ports of documentation in the United States at which vessels may be documented and instruments affecting title to, or interest in, documented vessels may be recorded. The Secretary—

(1) shall specify the geographic area to be served by each designated port; and

(2) may discontinue, relocate, or designate additional ports of documentation.

#### **§ 12114. Home ports**

(a) The port of documentation selected by an owner of a vessel and approved by the Secretary for the documentation of the vessel is the vessel's home port.

(b) Once a vessel's home port is established, it may not be changed without the approval of the Secretary.

#### **§ 12115. Names of vessels**

(a) The name of the vessel selected by the owner and approved by the Secretary for the documentation of the vessel is the vessel's name of record.

(b) Once a vessel's name of record is established, it may not be changed without the approval of the Secretary.

(c) The Secretary may prescribe by regulation a reasonable fee for changing a documented vessel's name of record.

#### **§ 12116. Numbers, signal letters, and identification markings**

(a) The Secretary shall maintain a numbering system for the identification of a documented vessel and shall assign a number to each documented vessel.

(b) The Secretary may maintain a system of signal letters for a documented vessel.

(c) The owner of a documented vessel shall affix to the vessel and maintain in the manner prescribed by the Secretary the number assigned and any other identification markings the Secretary may require.

#### **§ 12117. Recording of United States built vessels**

The Secretary may provide for the recording and certifying of information about vessels built in the United States that the Secretary considers to be in the public interest.

#### **§ 12118. Registration of funnel marks and house flags**

The Secretary shall provide for the registration of funnel marks and house flags by owners of vessels.

#### **§ 12119. List of documented vessels**

The Secretary shall publish periodically a list of all documented vessels and information about those vessels that the Secretary considers pertinent or useful. The list shall contain a notation clearly indicating all vessels classed by the American Bureau of Shipping.

#### **§ 12120. Reports**

To ensure compliance with this chapter and laws governing the qualifications of vessels to engage in the coastwise trade and the fisheries, the Secretary may require owners and masters of documented vessels to submit reports in any reasonable form and manner the Secretary may prescribe.

#### **§ 12121. Regulations**

The Secretary may prescribe regulations to carry out this chapter.

**§ 12122. Penalties**

(a) A person that violates this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of not more than \$500.

(b) When the owner of a vessel knowingly falsifies or conceals a material fact, or makes a false statement or representation about the documentation of the vessel, that vessel and its equipment are liable to seizure by and forfeiture to the United States Government.

(c) When a certificate of documentation is knowingly and fraudulently used for a vessel, that vessel and its equipment are liable to seizure by and forfeiture to the Government.

## CHAPTER 123—NUMBERING UNDOCUMENTED VESSELS

**Sec.**

12301. Numbering vessels.

12302. Standard numbering system.

12303. Exemption from numbering requirements.

12304. Certificates of numbers.

12305. Displaying numbers.

12306. Safety certificates.

12307. Regulations on numbering and fees.

12308. Providing vessel numbering and registration information.

12309. Penalties.

**§ 12301. Numbering vessels**

An undocumented vessel equipped with propulsion machinery of any kind shall have a number issued by the proper issuing authority in the State in which the vessel principally is operated.

**§ 12302. Standard numbering system**

Regulations.

(a) The Secretary shall prescribe by regulation a standard numbering system for vessels to which this chapter applies. On application by a State, the Secretary shall approve a State numbering system that is consistent with the standard numbering system. In carrying out its numbering system, a State shall adopt any definitions of relevant terms prescribed by regulations of the Secretary.

(b) A State with an approved numbering system is the issuing authority within the meaning of this chapter. The Secretary is the issuing authority in a State in which a State numbering system has not been approved.

(c) When a vessel is numbered in a State, it is deemed in compliance with the numbering system of a State in which it temporarily is operated.

(d) When a vessel is removed to a new State of principal operation, the issuing authority of that State shall recognize the validity of the number issued by the original State for 60 days.

(e) If a State has a numbering system approved after the Secretary issues a number, the State shall recognize the validity of the number issued by the Secretary for one year.

Approval withdrawal.

(f) When the Secretary decides that a State numbering system is not being carried out consistent with the standard numbering system or the State has changed the system without the Secretary's approval, the Secretary may withdraw approval after giving notice to the State, in writing, stating the reasons for the withdrawal.

**§ 12303. Exemption from numbering requirements**

(a) When the Secretary is the authority issuing a number under this chapter, the Secretary may exempt a vessel or class of vessels from the numbering requirements of this chapter under conditions the Secretary may prescribe.

(b) When a State is the issuing authority, it may exempt from the numbering requirements of this chapter a vessel or class of vessels exempted under subsection (a) of this section or otherwise as permitted by the Secretary.

**§ 12304. Certificates of numbers**

(a) A certificate of number is granted for a number issued under this chapter. The certificate shall be pocket-sized, shall be at all times available for inspection on the vessel for which issued when the vessel is in operation, and may be valid for not more than 3 years. The certificate of number for a vessel less than 26 feet in length and leased or rented to another for the latter's noncommercial operation of less than 7 days may be retained on shore by the vessel's owner or representative at the place from which the vessel departs or returns to the possession of the owner or the owner's representative. A vessel that does not have the certificate of number on board shall be identified when in operation, and comply with requirements, as the issuing authority prescribes.

(b) The owner of a vessel numbered under this chapter shall provide—

(1) the issuing authority notice of the transfer of any part of the owner's interest in the vessel or of the destruction or abandonment of the vessel, within a reasonable time after the transfer, destruction, or abandonment; and

(2) notice of a change of address within a reasonable time of the change, as prescribed by regulation.

**§ 12305. Displaying numbers**

A number required by this chapter shall be painted on, or attached to, each side of the forward half of the vessel for which it was issued, and shall be the size, color, and type as may be prescribed by the Secretary. No other number may be carried on the forward half of the vessel.

**§ 12306. Safety certificates**

When a State is the authority issuing a number under this chapter, it may require that the individual in charge of a numbered vessel have a valid safety certificate issued under conditions set by the issuing authority, except when the vessel is subject to manning requirements under part F of this subtitle.

*Ante*, p. 547.

**§ 12307. Regulations on numbering and fees**

The authority issuing a number under this chapter may prescribe regulations and establish fees to carry out the intent of this chapter. The fees shall apply equally to residents and nonresidents of the State. A State issuing authority may impose only conditions for vessel numbering that are—

(1) prescribed by this chapter or regulations of the Secretary about the standard numbering system; or

(2) related to proof of payment of State or local taxes.

**§ 12308. Providing vessel numbering and registration information**

A person may request from an authority issuing a number under this chapter the numbering and registration information of a vessel that is retrievable from vessel numbering system records of the issuing authority. When the issuing authority is satisfied that the request is reasonable and related to a boating safety purpose, the information shall be provided on paying the cost of retrieving and providing the information requested.

**§ 12309. Penalties**

(a) A person willfully violating this chapter or a regulation prescribed under this chapter shall be fined not more than \$5,000, imprisoned for not more than one year, or both.

(b) A person violating this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of not more than \$1,000. If the violation involves the operation of a vessel, the vessel also is liable in rem for the penalty.

(c) When a civil penalty of not more than \$200 has been assessed under this chapter, the Secretary may refer the matter of collection of the penalty directly to the United States magistrate of the jurisdiction in which the person liable may be found for collection procedures under supervision of the district court and under an order issued by the court delegating this authority under section 636(b) of title 28.

28 USC 636.

**PART I—STATE BOATING SAFETY PROGRAMS****CHAPTER 131—RECREATIONAL BOATING SAFETY****Sec.**

- 13101. State recreational boating safety programs.
- 13102. Program acceptance.
- 13103. Allocations.
- 13104. Availability of allocations.
- 13105. Computation decisions about State amounts expended.
- 13106. Authorization of contract spending.
- 13107. National Recreational Boating Safety and Facilities Improvement Fund.
- 13108. Computing amounts allocated to States and State records requirements.
- 13109. Consultation, cooperation, and regulation.
- 13110. National Boating Safety Advisory Council.

**§ 13101. State recreational boating safety programs**

(a) To encourage greater State participation and uniformity in boating safety and facility improvement efforts, and particularly to permit the States to assume the greater share of boating safety education, assistance, and enforcement activities, the Secretary shall carry out a national recreational boating safety and facilities improvement program. Under this program, the Secretary may make contracts with, and allocate and distribute amounts to, eligible States to assist them in developing, carrying out, and financing State recreational boating safety and facilities improvement programs.

Contracts.

(b) The Secretary shall establish guidelines and standards for the program. In doing so, the Secretary—

Guidelines and standards.

(1) shall consider, among other things, factors affecting recreational boating safety by contributing to overcrowding and congestion of waterways, such as the increasing number of

recreational vessels operating on those waterways and their geographic distribution, the availability and geographic distribution of recreational boating facilities in and among applying States, and State marine casualty and fatality statistics for recreational vessels;

(2) shall consult with the Secretary of the Interior to minimize duplication with the purposes and expenditures of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4-4601-11) and with the guidelines developed under that Act; and

(3) shall maintain environmental standards consistent with the Coastal Zone Management Act of 1972 (16 U.S.C. 1451-1464) and other laws and policies of the United States intended to safeguard the ecological and esthetic quality of the waters and wetlands of the United States.

(c) A State whose recreational boating safety and facilities improvement program has been approved by the Secretary is eligible for allocation and distribution of amounts under this chapter to assist that State in developing, carrying out, and financing its program. Matching amounts shall be allocated and distributed among eligible States by the Secretary as provided by section 13103 of this title.

### § 13102. Program acceptance

(a) The Secretary may make a contract with, and allocate and distribute amounts from the Fund established under section 13107 of this title to, a State that has an approved State recreational boating safety and facilities improvement program, if the State demonstrates to the Secretary's satisfaction that—

(1) the program submitted by that State is consistent with this chapter and chapters 61 and 123 of this title;

(2) amounts distributed will be used to develop and carry out a State recreational boating safety and facilities improvement program containing the minimum requirements of subsection (c), (d), or (f) of this section;

(3) sufficient State matching amounts are available from general revenue, undocumented vessel numbering and license fees, State marine fuels taxes, or from a fund constituted from the proceeds of those taxes and established to finance a State recreational boating safety and facilities improvement program; and

(4) the program submitted by that State designates a State lead authority or agency that will carry out or coordinate carrying the State recreational boating safety and facilities improvement program supported by financial assistance of the United States Government in that State, including the requirement that the designated State authority or agency submit required reports that are necessary and reasonable to carry out properly and efficiently the program and that are in the form prescribed by the Secretary.

(b) Amounts of the Government from sources (except sources referred to in subsection (a)(3) of this section) may not be used to provide a State's share of the costs of the program described under this section. State matching amounts committed to a program under this chapter may not be used to constitute the State's share of matching amounts required by another program of the Government.

(c) The Secretary shall approve a State recreational boating safety program, and the program is eligible to receive amounts authorized

16 USC 4601-4-4601-11.

Contracts with States.

Ante, pp. 535, 590.

Restriction.

to be expended under section 13106 of this title, if the program includes—

*Ante*, p. 590.

(1) a vessel numbering system approved or carried out by the Secretary under chapter 123 of this title;

(2) a cooperative boating safety assistance program with the Coast Guard in that State;

(3) sufficient patrol and other activity to ensure adequate enforcement of applicable State boating safety laws and regulations;

(4) an adequate State boating safety education program; and

(5) a system, approved by the Secretary, for reporting marine casualties required under section 6102 of this title.

(d) The Secretary shall approve a State recreational boating facilities improvement program, and the program is eligible to receive amounts authorized to be expended under section 13106 of this title, if the program includes—

(1) a complete description of recreational boating facility improvement projects to be undertaken by the State; and

(2) consultation with State officials responsible for the statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4—4601-11) and for any program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451-1464).

16 USC 4601-4—  
4601-11.

(e) The Secretary's approval under this section is a contractual obligation of the Government for the payment of the proportional share of the cost of carrying out the program.

Combined  
program,  
submittal.

(f)(1) A State may submit a combined program to the Secretary for the improvement of recreational boating safety and the improvement of recreational boating facilities in that State. The Secretary shall approve the program if it contains the minimum requirements set forth in subsections (c) and (d) of this section.

(2) Those parts of the combined program of a State that are designed to improve recreational boating safety are eligible to receive amounts authorized to be expended for State recreational boating safety programs under section 13106 of this title. The Secretary's approval of those parts is a contractual obligation of the Government for the payment of the proportional share of the cost of carrying out the State's recreational boating safety program under this chapter.

(3) Those parts of the combined program of a State that are designed to improve recreational boating facilities are eligible to receive amounts authorized to be expended for State recreational boating facilities improvement programs under section 13106 of this title. The Secretary's approval of those parts is a contractual obligation of the Government for the payment of the proportional share of the cost of carrying out the State's recreational boating facilities program under this chapter.

### § 13103. Allocations

(a) The Secretary shall allocate amounts available for allocation and distribution under this chapter for State recreational boating safety programs as follows:

(1) One-third shall be allocated equally each fiscal year among eligible States.

(2) One-third shall be allocated among eligible States that maintain a State vessel numbering system approved under chapter 123 of this title and a marine casualty reporting system

approved under this chapter so that the amount allocated each fiscal year to each eligible State will be in the same ratio as the number of vessels numbered in that State bears to the number of vessels numbered in all eligible States.

(3) One-third shall be allocated so that the amount allocated each fiscal year to each eligible State will be in the same ratio as the amount of State amounts expended or obligated by the State for the State recreational boating safety program during the prior fiscal year bears to the total State amounts expended or obligated during that fiscal year by all eligible States for State recreational boating safety programs.

(b) The Secretary shall allocate the amounts available for allocation and distribution under this chapter for State recreational boating facilities improvement programs as follows:

(1) One-third shall be allocated equally each fiscal year among eligible States.

(2) One-third shall be allocated so that the amount allocated each fiscal year to each eligible State will be in the same ratio as the number of vessels numbered in that State bears to the number of vessels numbered in all eligible States.

(3) One-third shall be allocated so that the amount allocated each fiscal year to each eligible State shall be in the same ratio as the State amounts expended or obligated by the State for a recreational boating facilities improvement program approved under this chapter during the prior fiscal year bears to the total State amounts expended or obligated during that fiscal year by all eligible States for recreational boating facilities improvement programs.

(c) The amount received by a State under this section in a fiscal year may be not more than one-half of the total cost incurred by that State in developing, carrying out, and financing that State's recreational boating safety and facilities improvement program in that fiscal year.

(d) An allocation or distribution of amounts under this section may not be made to a State to maintain boating facilities under that State's approved recreational boating safety and facilities improvement program.

(e) The Secretary may allocate not more than 5 percent of the amounts available for allocation and distribution in a fiscal year for national boating safety activities of national nonprofit public service organizations.

(f) The Secretary may expend from the amounts available for allocation and distribution in a fiscal year those amounts necessary to carry out this chapter. However, the amounts expended in a fiscal year to carry out this chapter may be not more than \$250,000 or 2 percent of the amounts available for allocation and distribution in that fiscal year, whichever is greater.

#### **§ 13104. Availability of allocations**

(a) Amounts allocated to a State shall be available for obligation by that State for a period of 3 years after the date of allocation. Amounts unobligated by the State at the end of the 3 years shall be withdrawn by the Secretary and shall be available with other amounts to be allocated by the Secretary during that fiscal year.

(b) Amounts available to the Secretary that have not been allocated at the end of a fiscal year shall be carried forward as part of



the total allocation of amounts for the next fiscal year that may be expended under this chapter.

**§ 13105. Computation decisions about State amounts expended**

(a) Consistent with regulations prescribed by the Secretary, the computation by a State of amounts expended or obligated for the State recreational boating safety and facilities improvement program shall include—

- (1) the acquisition, maintenance, and operating costs of land, facilities, equipment, and supplies;
- (2) personnel salaries and reimbursable expenses;
- (3) the costs of training personnel;
- (4) public boat safety education;
- (5) the costs of carrying out the program; and
- (6) other expenses that the Secretary considers appropriate.

(b) The Secretary shall decide an issue arising out of the computation made under subsection (a) of this section.

**§ 13106. Authorization of contract spending**

(a) To provide financial assistance for State recreational boating safety and facilities improvement programs, the Secretary may expend, subject to amounts provided in appropriations laws for liquidating contract authority, an amount equal to the revenues accruing each fiscal year from the taxes under section 4041(b) of the Internal Revenue Code of 1954 (26 U.S.C. 4041(b)) from special motor fuels used as fuel in motor boats and under section 4081 of that Code (26 U.S.C. 4081) from gasoline used as fuel in motor boats.

(b) Of the amounts available for allocation and distribution for recreational boating safety and facilities improvement programs, one-third shall be allocated for recreational boating safety programs and two-thirds shall be allocated for recreational boating facilities improvement programs.

(c) Amounts authorized to be expended for State recreational boating safety and facilities improvement programs remain available until expended and are deemed to have been expended only if an amount equal to the total amounts authorized to be expended under this section for the fiscal year in question and all prior fiscal years have been obligated. Amounts previously obligated but released by payment of a final voucher or modification of a program acceptance shall be credited to the balance of unobligated funds and shall be immediately available for expenditure.

**§ 13107. National Recreational Boating Safety and Facilities Improvement Fund**

There is established in the Treasury a separate fund known as the National Recreational Boating Safety and Facilities Improvement Fund consisting of amounts paid into it as provided in section 209(f)(5) of the Highway Revenue Act of 1956. Amounts in the Fund are available for making expenditures as provided in section 13106 of this title.

**§ 13108. Computing amounts allocated to States and State records requirements**

(a) Amounts allocated and distributed under section 13103 of this title shall be computed and paid to the States as follows:

- (1) During the last quarter of a fiscal year and on the basis of computations made under section 13105 of this title and submit-

96 Stat. 2170.

96 Stat. 2191.  
23 USC 120 note.

ted 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.

(2) Notice of the percentage and of the dollar amount, if it can be determined, for each State shall be provided to the States at the earliest practicable time.

(3) If the Secretary determines that an amount made available to a State for a prior fiscal year is greater or less than the amount that should have been made available to the State for the prior fiscal year, because of later or more accurate State expenditure information, the amount for the current fiscal year may be increased or decreased by the appropriate amount.

(b) The Secretary shall schedule the payment of amounts, consistent with the program purposes and applicable regulations prescribed by the Secretary of the Treasury, to minimize the time elapsing between the transfer of amounts from the Treasury and the subsequent disbursement of the amounts by a State.

Scheduled  
payments.

(c) The Secretary shall notify a State authority or agency that further payments will be made to the State only when the program complies with the prescribed standards or a failure to comply substantially with standards is corrected if the Secretary, after reasonable notice to the designated State authority or agency, finds that—

(1) the State recreational boating safety and facilities improvement program submitted by the State and accepted by the Secretary has been so changed that it no longer complies with this chapter or standards prescribed by regulations; or

(2) in carrying out the State recreational boating safety and facilities improvement program, there has been a failure to comply substantially with the standards prescribed by regulations.

(d) The Secretary shall provide for the accounting, budgeting, and other fiscal procedures that are necessary and reasonable to carry out this section properly and efficiently. Records related to amounts allocated under this chapter shall be made available to the Secretary and the Comptroller General to conduct audits.

Audits.

### § 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 and facilities improvement.

(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 and facilities improvement programs. Acting under section 141 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 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.

14 USC 141.

14 USC 821 *et seq.*

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

§ 13110. National Boating Safety Advisory Council

Membership.

(a) The Secretary shall establish a National Boating Safety Advisory Council. The Council shall consist of not more than 21 members appointed by the Secretary, whom the Secretary considers to have a particular expertise, knowledge, and experience in boating safety.

(b)(1) 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.

(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.

Notice, publication in Federal Register.

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

Ante, p. 530.

(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.

Travel expenses.

(d) 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. 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.

5 USC 5703.

[PART J—RESERVED FOR MEASUREMENT OF VESSELS]

MISCELLANEOUS PROVISIONS

46 USC note prec. 2101.

SEC. 2. (a) Laws effective after December 31, 1982, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

(b) A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision of this Act.

(c) An order, rule, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provision of this Act until repealed, amended, or superseded.

(d) An action taken or an offense committed under a law replaced by this Act is deemed to have been taken or committed under the corresponding provision of this Act.

(e) An inference of legislative construction is not to be drawn by reason of the caption or catch line of a provision enacted by this Act.

Provisions held invalid.

(f) If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid application or applications.

(g)(1) Part B of subtitle II and sections 7306 (related to able seaman sail) and 7311 of title 46 (as enacted by section 1 of this Act) take effect April 15, 1984, or when regulations for sailing school vessels under part B are effective, whichever is earlier.

Effective dates.  
46 USC 3101  
note.  
*Ante*, p. 509.

(2) Section 3715(a) of title 46 (as enacted by section 1 of this Act) is effective on the day after the effective date of the regulations prescribed by the Secretary under section 3715(b) of title 46.

46 USC 3715  
note.

(h) Chapter 63 of title 46 (as enacted by section 1 of this Act) does not supersede section 304(a)(1)(E) of the Independent Safety Board Act of 1974 (49 App. U.S.C. 1903(a)(1)(E)).

46 USC 6301  
note.  
*Ante*, p. 537.

(i) Each offshore supply vessel described in section 3302(g) of title 46 (as enacted by section 1 of this Act), that was registered with the Secretary of Transportation under section 4426a(7) of the Revised Statutes but that has not been inspected by the Secretary shall be held to be in compliance with all applicable vessel inspection laws pending verification by actual inspection or until one year after the date of enactment of this Act, whichever is earlier.

46 USC 3302  
note.

(j) Within 2 years after the date of enactment of this Act, the Federal Maritime Commission and the Secretary of Transportation each shall submit to Congress a proposed codification of the laws within their respective jurisdictions related to shipping and maritime matters.

Proposed  
codification,  
submittal to  
Congress.  
46 USC note  
prec. 2101.

#### CONFORMING CROSS-REFERENCES

SEC. 3. (a) Section 5549(4) of title 5, United States Code is amended to read as follows:

“(4) sections 2111 and 2112 of title 46; and”.

(b) Section 10542(c) of title 49, United States Code, is amended—

(1) in the matter before clause (1), by striking “tank vessels” and substituting “a tank vessel”; and

(2) by striking clause (2) and substituting:

“(2) having a certificate of inspection issued under part B of subtitle II of title 46 endorsed to show that the vessel complies with chapter 37 of title 46.”.

*Ante*, p. 509.  
*Ante*, p. 520.

#### REPEALS

SEC. 4. (a) The repeal of a law by this Act may not be construed as a legislative implication that the provision was or was not in effect before its repeal.

46 USC note  
prec. 2101.

(b) The laws specified in the following schedule are repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun, before the date of enactment of this Act and except as provided by section 2 of this Act:

Schedule of Laws Repealed

Revised Statutes, section	Revised Statutes, section	Revised Statutes, section	Revised Statutes, section	Revised Statutes, section
4131	4431	4474	4520	4560
4235	4432	4477	4521	4561
4236	4433	4478	4522	4562
4237	4434	4480	4523	4563
4250	4437	4484	4524	4564
4251	4438	4485	4525	4565
4290	4438a	4486	4526	4566
4291	4439	4487	4527	4567
4292	4440	4488	4528	4568
4399	4441	4490	4529	4569
4400	4442	4491	4530	4570
4401	4443	4494	4535	4571
4403	4444	4496	4537	4572
4405	4445	4497	4538	4577
4406	4446	4499	4539	4578
4407	4447	4500	4540	4580
4408	4448	4501	4541	4581
4409	4449	4502	4542	4582
4410	4450	4503	4543	4583
4411	4451	4504	4544	4595
4417	4453	4505	4545	4596
4417a	4454	4506	4546	4597
4418	4455	4507	4547	4600
4419	4456	4508	4548	4603
4420	4457	4509	4549	4604
4421	4460	4510	4550	4605
4423	4462	4511	4551	4607
4424	4463	4512	4552	4608
4425	4464	4513	4553	4610
4426	4465	4514	4554	4611
4426a	4466	4515	4555	4612
4427	4467	4516	4556	5294
4428	4468	4517	4557	
4429	4469	4518	4558	
4430	4472	4519	4559	

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
1874				
June 9	260		18	64
June 20	344	10, 11, 12, 13	18	128
1875				
Feb. 18	80	1 (only the part amending R.S. 4250)	18	320
1877				
Feb. 27	69	1 (only the part amending R.S. 4290, 4409, 4415, 4420, 4421, 4440, 4441, 4467, 4472, 4490, 4513, 4522, 4605)	19	251, 252
1882				
Aug. 2	374		22	186
Aug. 7	433	1 (only the paragraph amending R.S. 4429)	22	310
Do	441	1, 2	22	346
1884				
June 26	121	1-11, 19, 20, 26	23	53, 58, 59
July 5	221	2, 8 (a), (b), (d)	23	118

## Statutes at Large—Continued

Date	Chapter or Public Law	Section	Statutes at Large	
			Vol- ume	Page
1885 Feb. 11	55 .....		23	298
1886 June 19	421 .....	1, 2, 3, 13, 14, 18 .....	24	79, 82, 83
July 9	755 .....		24	129
1888 Apr. 4	61 .....	2 .....	25	80
Oct. 18	1197 .....		25	564
1889 Mar. 2	418 .....		25	1012
1890 June 25	616 .....		26	180
Aug. 19	801 .....		26	320
Sept. 4	875 .....		26	425
Dec. 22	26 .....		26	692
1891 Feb. 21	250 .....		26	765
Mar. 3	521 .....		26	833
1892 Apr. 11	41 .....		27	16
1894 Jan. 22	16 .....		28	28
1895 Feb. 18	97 .....		28	667
Feb. 28	139 .....		28	690
Mar. 2	186 .....	(only the last paragraph of this chapter) .....	28	843
1896 May 28	255 .....		29	188
1897 Mar. 3	389 .....	1, 2, 4, 6-8, 14, 19 .....	29	687, 689, 690, 691
1898 Mar. 23	86 .....		30	340
Dec. 21	28 .....		30	755
Do	29 .....		30	764
1900 Feb. 14	19 .....		31	29
Mar. 23	90 .....		31	50
1901 Feb. 20	386 .....		31	799
Feb. 23	465 .....		31	800
1902 Feb. 15	23 .....		32	34
1904 Apr. 11	1140 .....		33	168
Apr. 13	1252 .....		33	174
Apr. 26	1603 .....		33	308
1905 Feb. 18	586 .....		33	720
Mar. 3	1453 .....		33	1022
Do	1454 .....	1-4 .....	33	1023
Do	1456 .....	1, 2 .....	33	1027
Do	1457 .....	2-8 .....	33	1029

Statutes at Large—Continued

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
1906				
Mar. 17	955		34	68
Apr. 26	1875		34	137
May 16	2460		34	193
May 28	2565		34	204
June 11	3071		34	230
June 28	3583	4	34	551
1907				
Jan. 25	398		34	864
Feb. 8	892		34	881
Feb. 19	991		34	897
Mar. 4	2929		34	1411
1908				
Apr. 2	123		35	55
May 28	212	2, 3, 4, 10, 12, 13	35	425, 428
1909				
Mar. 2	244		35	686
Mar. 4	321	254-267	35	1140
1910				
June 25	402		36	831
1911				
Mar. 4	237	1 (in part)	36	1229 (only the first complete paragraph on this page)
1912				
May 22	130		37	116
July 23	250		37	199
Aug. 1	268	2	37	242
1913				
Jan. 24	10		37	650
Mar. 3	118	1	37	732
Mar. 4	142	1 (in part)	37	785 (only the proviso in the fourth paragraph on this page)
1914				
July 17	146		38	511
Aug. 18	256		38	698
Oct. 22	334		38	765
Do	336		38	766
1915				
Mar. 3	79		38	893
Mar. 4	153	1-15, 19	38	1164, 1185
Do	184		38	1216
1916				
June 12	141		39	224
1917				
Feb. 14	63		39	918
1918				
Mar. 29	30		40	499
May 11	72		40	548
June 10	95		40	602

## Statutes at Large—Continued

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
1919 Oct. 25	82 .....	.....	41	305
1920 June 5	250 .....	25, 26, 31, 32 .....	41	998, 1006
1922 June 1	204 .....	T.I. (in part) .....	42	603 (only the words after the semicolon in the second paragraph on this page)
1923 Jan. 3	21 .....	T.I. (in part) .....	42	1072 (only the proviso in the first paragraph on this page)
1925 Mar. 2	387 .....	.....	43	1093
1928 May 28	824 .....	.....	45	789
1930 May 7	227 .....	(only clause (2), amending R.S. 4578).....	46	261
1932 June 30	314 .....	501, 502(b).....	47	415
1933 June 13	61 .....	.....	48	125
1934 Mar. 5	40 .....	.....	48	395
1936 May 27	463 .....	.....	49	1380
June 20	628 .....	.....	49	1544
June 23	729 .....	.....	49	1889
June 25	816 .....	.....	49	1930
June 29	858 .....	302, 1307(c), (d)(2), (3), 1308(e).....	49	1992
1937 Mar. 24	49 .....	.....	50	49
May 22	237 .....	.....	50	199
July 29	536 .....	.....	50	544
1938 May 9	189 .....	.....	52	343
May 11	194 .....	.....	52	345
June 23	597 .....	.....	52	944
June 25	679 .....	19(a).....	52	1087
1939 Mar. 29	26 .....	.....	53	554
May 31	158 .....	.....	53	794
July 17	316 .....	.....	53	1049
Aug. 1	409 .....	.....	53	1145
Aug. 7	558 .....	.....	53	1257
Aug. 10	643 .....	.....	53	1343



## Statutes at Large—Continued

Date	Chapter or Public Law	Section	Statutes at Large	
			Vol- ume	Page
1940				
Apr. 25	155 .....		54	163
Oct. 9	777 .....		54	1023
Oct. 17	896 .....		54	1200
1941				
Sept. 24	416 .....		55	729
Do	417 .....		55	730
1946				
Aug. 7	783 .....		60	883
1948				
May 12	286 .....		62	232
1950				
Sept. 23	1002 .....		64	980
Sept. 29	1109 .....		64	1081
1951				
Jan. 10	1222 .....		64	1239
1952				
July 16	887 .....		66	730
1954				
July 15	512 .....		68	484
Aug. 30	1076 .....	1(29) .....	68	968
Aug. 31	1171 .....		68	1047
1955				
June 8	133 .....		69	86
1956				
May 10	258 .....		70	151
June 4	350 .....		70	223
1958				
Aug. 23	85-739 .....		72	833
Sept. 2	85-911 .....		72	1754
1959				
Sept. 9	86-244 .....		73	475
Sept. 14	86-263 .....		73	551
Sept. 22	86-364 .....		73	646
1960				
June 30	86-555 .....		74	259
Sept. 2	86-688 .....		74	735
1961				
Aug. 30	87-177 .....		75	410
1963				
Sept. 23	88-128 .....		77	164
1965				
July 30	89-99 .....	2, 5 .....	79	424
1966				
Oct. 15	89-670 .....	6(e)(4) .....	80	939
Nov. 6	89-777 .....	1, 4 .....	80	1356, 1358
1968				
Apr. 25	90-293 .....		82	107
July 11	90-397 .....	1, 3, 4 .....	82	341
July 27	90-435 .....		82	449

## Statutes at Large—Continued

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
1969 Dec. 24	91-154 .....		83	427
1970 Oct. 27	91-513 .....	1102(q) .....	84	1293
Dec. 31	91-612 .....	3 .....	84	1835
1971 Aug. 10	92-75 .....		85	213
1972 July 7	92-339 .....	1 .....	86	423
July 10	92-340 .....	201 .....	86	427
1973 July 9	93-65 .....	6 .....	87	151
Aug. 16	93-106 .....		87	350
Nov. 16	93-153 .....	401 .....	87	589
1974 Aug. 10	93-370 .....		88	423
Oct. 1	93-430 .....	6(2)-(4) .....	88	1182
1975 Jan. 3	93-633 .....	113(a), (f) .....	88	2161, 2163
Aug. 9	94-85 .....		89	426
1976 Sept. 10	94-406 .....	8(a)(1)-(3) .....	90	1236
Oct. 17	94-535 .....		90	2496
Oct. 18	94-550 .....	8, 9 .....	90	2535
1977 July 1	95-61 .....	7(b) .....	91	260
1978 June 30	95-308 .....	7 .....	92	359
1980 Oct. 6	96-378 .....		94	1513
Oct. 14	96-451 .....	202 .....	94	1987
Dec. 12	96-594 .....	101-125 .....	94	3453
1982 Oct. 15	97-322 .....	208(a) .....	96	1590

Approved August 26, 1983.

LEGISLATIVE HISTORY—S. 46:

HOUSE REPORT No. 98-338 (Comm. on Merchant Marine and Fisheries).  
SENATE REPORT No. 98-56 (Comm. on Commerce, Science, and Transportation).  
CONGRESSIONAL RECORD, Vol. 129 (1983):

Apr. 28, considered and passed Senate.

Aug. 1, considered and passed House, amended.

Aug. 3, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 19, No. 35 (1983):

Aug. 27, Presidential statement.