

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 this part.

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

ings or otherwise serving at the request of the Committee (except a member of the United States Government) may be paid \$75 a day. When serving away from home seas, the member may be allowed travel expenses in lieu of subsistence as authorized by regulations prescribed by the Secretary for individuals employed intermittently in the

er, managing operator, agent, master, or vessel knowingly allowing the vessel to be in violation of section 9302 of this title is liable to the Secretary for a civil penalty of \$500 for each day in violation. The vessel also is liable in

irects the navigation of a vessel in violation of this title is liable to the Government for a civil penalty of \$500 for each day during which the violation occurs. The vessel also is liable to the Government for a civil penalty of \$500.

SEAMEN PROTECTION AND RELIEF

CHAPTER 101—GENERAL

shipping commissioners.

the individual having command of a vessel of the United States.

he person to whom the vessel belongs, an individual (except scientific personnel, a seaman, or a sailing school student) engaged in a capacity on board a vessel owned by a State.

duties of shipping commissioners

designate officers, employees, and members of the crew as shipping commissioners under this chapter and designate officers and employees of the shipping commissioners.

shipping commissioners are to supervise the management of seamen.

managing operator, agent, or master of a vessel is to make a shipping commissioner when a vessel is available.

to which section 8701(a) of this title applies, the Secretary shall charge a seaman without a shipping commission. The Secretary shall submit reports in the form, content, and frequency 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

which each seaman is to be on board to begin of wages each seaman is to receive. about conduct on board, and information on vance of provisions, and other punishment for ided by law. the provisions that are to be provided each tion in reference to advances and allotments of rs not contrary to law.

l be served at least 3 meals a day that total at ncluding adequate water and adequate protein, als in accordance with the United States Recom- nces.

ection (a) of this section shall be included in the by section 10302 of this title. A copy of the text n a conspicuous place in the galley and forecas-

as not apply to a fishing or whaling vessel or a

reement

reement required by section 10302 of this title as follows:

UNITED STATES OF AMERICA

(first signature of agreement):

on the master and seamen of the is at present master, or whoever now bound from the port of to

(here the voyage is to be described, and which the vessel is to touch, or if that cannot be ure and probable length of the voyage is to be

to conduct themselves in an orderly, faithful, manner, and to be at all times diligent in their d to be obedient to the lawful commands of the vidual who lawfully succeeds the master, and of rs in everything related to the vessel, and the the vessel, whether on board, in boats, or on ion of this service by the seamen to be per- agrees to pay the crew, as wages, the amounts respectively expressed, and to supply them with to the annexed scale.

any embezzlement, or willful or negligent de- t of the vessel's cargo or stores, shall be made out of the wages of the person guilty of the truction.

olds himself or herself out as qualified for a duty d proves incompetent to perform, the individ- e reduced in proportion to the incompetency. at if a seaman considers himself or herself to be ach 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
Birthplace
Age
Height:
Feet
Inches
Description:
Complexion
Hair
Wages each month
Wages each voyage
Advance wages
Amount of monthly allotment

Time of service:
Months
Days
Hospital money
Whole wages
Wages due
Place and time of entry
Time at which seaman is to be on board
In what capacity
Shipping commissioner's signature or initials
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.

(3) has signed it freely and voluntarily when sober.
(Pub.L. 98-89, Aug. 26, 1983, 97 Stat. 563.)

§ 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.

(Pub.L. 98-89, Aug. 26, 1983, 97 Stat. 564.)

§ 10307. Posting agreements

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.

(Pub.L. 98-89, Aug. 26, 1983, 97 Stat. 564.)

§ 10308. Foreign engagements

(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.

(Pub.L. 98-89, Aug. 26, 1983, 97 Stat. 564.)

Code of Federal Regulations

Credentials, see 33 CFR 125.01 et seq.

§ 10309. Engaging seamen to replace those lost by desertion or casualty

(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 seaman who is discharged from a vessel.
(Pub.L. 98-89, Aug. 26, 1983, 97 Stat. 563.)

§ 10310. Discharge

A master shall deliver a true account of the discharge of a seaman before paying off or discharging a seaman whose account is liable to the United States Government.
(Pub.L. 98-89, Aug. 26, 1983, 97 Stat. 563.)

Deductions within section 596 of this title.
Entry of deductions in log.

1. Deductions within section 596 of this title.
Former section 596 of this title construed so as to allow deductions against seamen's wages, and set-offs for dereliction of duties as were provided in section 596 of this title. *S.S. Co. v. Matise*, Cal. 423 U.S. 150, 46 L.Ed.2d 121, 96 S.Ct. 1488, 424 F.2d 750, on remand 536 F.2d 1101.

2. Entry of deductions in log.
Since use of portion of wages of seaman who was justly discharged.

§ 10311. Certificate of discharge

(a) On discharging a seaman, the shipping commissioner shall issue a certificate of discharge in the following form:

- (1) the name of the seaman
- (2) the citizenship of the seaman
- (3) the number of the seaman's document
- (4) the name of the vessel
- (5) the nature of the service
- (6) the port of discharge
- (7) the date of discharge
- (8) the date of the certificate
- (9) the signature of the shipping commissioner

(b) The certificate shall state the character or ability of the seaman, as determined by the shipping commissioner, and the name of the master, the seaman, and the vessel.

(c) A certificate of discharge shall be continuous discharge.
T 46 U.S.C.A. 85 So Perm

§ 12.25-40

by the Commandant and who present a letter or other documentary evidence that they are so enrolled may be issued a merchant mariner's document as apprentice engineer and may be signed on ships as such. The endorsement apprentice engineer may be in addition to other endorsements. However, this endorsement of apprentice engineer does not authorize the holder to fill any of the regular ratings.

(b) Persons holding merchant mariner's documents with the endorsement apprentice engineer shall be deemed to be seamen under the provisions of title 53 of the Revised Statutes and the regulations in this subchapter.

CGFR 66-69, 31 FR 15669, Dec. 13, 1966]

12.25-40 Apprentice mate.

A person enrolled in an apprentice mate training program approved by the Commandant who presents a letter or other documentary evidence that he is so enrolled may be issued a merchant mariner's document as apprentice mate and may be signed on ships as apprentice mate. The endorsement "apprentice mate" may be in addition to other endorsements. However, this endorsement as apprentice mate does not authorize the holder to fill any of the regular ratings.

CGD 74-226, 40 FR 33976, Aug. 13, 1975]

PART 14—SHIPMENT AND DISCHARGE OF SEAMEN

Subpart 14.01—General

- 14.01-1 Purpose of part.
- 14.01-3 Coast Guard address.
- 14.01-5 Foreign or intercoastal voyages upon which shipping articles are required.
- 14.01-7 Voyages upon which shipping articles are not required.

Subpart 14.05—Shipping Articles

- 14.05-1 Form of shipping articles.
- 14.05-2 Posting copy of shipping articles.
- 14.05-3 Preparation of shipping articles.
- 14.05-5 Production of documents by seamen signing shipping articles.
- 14.05-7 Paying off seamen during foreign or intercoastal voyage.
- 14.05-10 Reporting shipment and discharge of seamen.

46 CFR Ch. I (10-1-86 Edition)

Sec.

14.06-15 Completing entries in shipping articles at completion of voyage.

Subpart 14.10—Discharging Seamen

- 14.10-1 Entries in continuous discharge book.
- 14.10-5 Entries in certificates of discharge to merchant seamen.
- 14.10-7 Issuance of certificate of character upon discharge of seaman.
- 14.10-10 Discharging a seaman in a foreign port.
- 14.10-15 Certificate of discharge issued pending issuance of duplicate continuous discharge book.
- 14.10-20 Discharge of seamen in special cases.

Subpart 14.15—Disclosure of Information Regarding Shipment and Discharge of Merchant Mariners

14.15-1 Availability of information to the public.

Subpart 14.20—Special Provisions for Oceanographic Research Vessels

- 14.20-1 General.
- 14.20-5 Procedures.
- 14.20-10 Exemptions.
- 14.20-15 Reports required.

Authority: Pub. L. 90-131, R.S. 4551, as amended, sec. 13, 38 Stat. 1169, as amended, sec. 7, 49 Stat. 1936, as amended, sec. 6(b)(1), 80 Stat. 938, 46 U.S.C. 643, 672, 689, 49 U.S.C. 1655(b); 49 CFR 1.46(b), unless otherwise noted.

Source: 44 FR 70155, Dec. 6, 1979, unless otherwise noted.

Subpart 14.01—General

§ 14.01-1 Purpose of part.

This part prescribes rules for the shipment and discharge of seamen on certain United States vessels.

§ 14.01-3 Coast Guard address.

Each form or report required in this part to be submitted to the Commandant shall be forwarded to: Commandant (G-MVP-1/TP12), U.S. Coast Guard, Washington, D.C. 20593.

§ 14.01-5 Foreign or intercoastal voyages upon which shipping articles are required.

(a) Prior to proceeding on any foreign or intercoastal voyage listed in

Coast Guard, DOT

this section, or the engagement of replacement or additional seamen for such a voyage, the master shall make an agreement (shipping articles) in writing with each seaman. The articles shall be signed by the master and each seaman so engaged.

(b) Except as provided in § 14.01-7, shipping articles are required for the following voyages and vessels:

- (1) A voyage by a United States vessel from a port in the United States to any foreign port other than ports in the following areas:
- (i) British North American possessions.
- (ii) West India Islands.
- (iii) Republic of Mexico.

(2) A voyage by a United States vessel of 75 gross tons or upward between a United States port on the Atlantic and a United States port on the Pacific, or vice versa.

NOTE: The provisions of R.S. 4520 (46 U.S.C. 674), require the master of any United States vessel of 60 gross tons or upward, bound from a port in one state to a port in any other than an adjoining state, to make an agreement (shipping articles) with every seaman engaged.

§ 14.01-7 Voyages upon which shipping articles are not required.

(a) Shipping articles are not required but may be utilized for the following classes of vessels:

- (1) Vessels engaged exclusively in fishing or whaling.
- (2) Yachts.
- (3) Vessels upon which the seamen are by custom or agreement entitled to participate in the profits or results of a cruise or voyage.

Subpart 14.05—Shipping Articles

§ 14.05-1 Form of shipping articles.

(a) The form and content of shipping articles for foreign or intercoastal voyages are generally controlled by R.S. 4511 (46 U.S.C. 564), R.S. 4512 (46 U.S.C. 565), and R.S. 4612 (46 U.S.C. 713, Tables A and B).

(b) The Coast Guard Officer in Charge, Marine Inspection will, as master of convenience, supply form CG-705A (shipping articles) upon request. Form CG-705A is considered to comply with the requirements of the

statutes noted in paragraph (a) of this section. Any other form of shipping articles complying with the requirements of the statutes noted in paragraph (a) may be utilized.

NOTE: Detailed instructions for the completion of form CG-706A are contained in Navigation and Vessel Inspection Circular #8-79, which may be obtained at any Coast Guard Marine Inspection or Safety Office.

§ 14.05-2 Posting copy of shipping articles.

(a) At the commencement of a foreign or intercoastal voyage the master shall ensure a legible copy of the shipping articles, omitting signatures (Forecastle Card), is posted at a place accessible to the crew. Form CG-704 or equivalent may be utilized for this purpose.

§ 14.05-3 Preparation of shipping articles.

(a) Shipping articles for foreign or intercoastal voyages shall be made out in duplicate. The original shall be retained by the master, who shall enter therein any changes made in the crew during the voyage.

§ 14.05-5 Production of documents by seamen signing shipping articles.

(a) At the time of engagement, each seaman shall present to the master any certificate or license as may be required by law for the service to be performed.

§ 14.05-7 Paying off seamen during foreign or intercoastal voyage.

(a) In case of the paying off of any members of the crew during a foreign or intercoastal voyage, each seaman shall sign the release on the original of the shipping articles. In a foreign port, where a United States consul is available, the release shall be executed by the master and seaman before the consul or his representative. In a foreign port where a United States consul is not available, the release need be executed only by the master and seaman.

§ 14.05-10 Reporting shipment and discharge of seamen.

(a) The master of each merchant vessel of one hundred gross tons or

upward, shall report the employment, discharge or termination of the service of every seaman in the manner provided in this section. Reports need not be submitted by masters of the following vessels:

- (1) Vessels employed exclusively in trade on the navigable rivers of the United States.
- (2) Fishing and whaling vessels.
- (3) Yachts.
- (4) Ferries and tugs used in ferry operations if such ferries and tugs are employed exclusively in trade on the Great Lakes, lakes (other than the Great Lakes), bays, sounds, bayous, canals, and harbors, and are not engaged on international voyages.
- (5) Unrigging vessels other than sea-going barges.

(b) When a vessel is engaged on a foreign or intercoastal voyage, the master shall submit a Form CG-735-T to the Commandant prior to sailing and upon completion of the voyage. At the option of the master, a copy of the vessel's shipping articles may be submitted to the Commandant in lieu of Form CG-735-T. When utilized, Form CG-735-T shall contain the names, as well as the other information required by the form, of the master and each member of the crew shipped or discharged. During the term of the voyage the master shall submit supplementary reports on Form CG-735-T listing the names, as well as the other information required by the form, of each seaman engaged, discharged, or whose services have been otherwise terminated.

(c) When a vessel is engaged on a coastwise voyage not specifically covered by paragraph (d) or (e) of this section, the master shall, prior to sailing, submit to the Commandant a Form CG-735-T listing the names, as well as other information required by the form, with the exception of the date and place of discharge, of the master and of each member of the crew shipped. Thereafter, at the end of each calendar month, the master shall submit a supplementary report on Form CG-735-T listing the name, as well as the other information required by the form, of each seaman engaged, discharged, or whose services were otherwise terminated since the

§ 14.05-15 Completing entries in shipping articles at completion of voyage.

(a) At the completion of a foreign or intercoastal voyage, when the crew is paid off, the release on the shipping articles shall be signed by all members of the crew.

(b) All entries made in continuous discharge books during the voyage, and all entries made in certificates of discharge issued during the voyage to seamen holding merchant mariner's documents shall be duplicated on the shipping articles.

Subpart 14.10—Discharging Seamen

§ 14.10-1 Entries in continuous discharge book.

(a) Upon the discharge of any seaman who holds a Continuous Discharge Book (Form CG-719), and the payment of wages, the master shall complete the required entries in the book.

(b) The master making the entries in the Continuous Discharge Book shall also prepare a Record of Entry in Continuous Discharge Book (Form CG-718E).

(c) The completed Form CG-718E shall be signed by the seaman in whose Continuous Discharge Book the original entry was made and by the master.

(d) All entries in a Continuous Discharge Book (Form CG-719) shall be made in black ink. All entries on Form CG-718E shall be made with a typewriter or an indelible pencil.

(e) The original copy of completed Form CG-718E shall be submitted to the Commandant. The duplicate copy of completed Form CG-718E may be retained by the master issuing such record of entry.

§ 14.10-5 Entries in certificate of discharge to merchant seaman.

(a) Upon the discharge of any seaman who holds a merchant mariner's document issued by the Coast Guard, and payment of wages, the master shall issue to the seaman a Certificate of Discharge to Merchant Seaman (Form CG-718A).

(b) The completed Form CG-718A shall be signed by the seaman to who

it is issued and by the master of the vessel. The signatures shall be made with an indelible pencil before the issuance of the original copy to the seaman.

(c) All entries on Certificates of Discharge to Merchant Seaman (Form CG-718A) shall be made with a typewriter or an indelible pencil.

(d) The original completed Form CG-718A shall be issued to the seaman who signs the certificate. The yellow copy of the completed Form CG-718A may be retained by the master issuing such discharge. The white copy of completed Form CG-718A shall be submitted to the Commandant.

§ 14.10-7 Issuance of certificate of character upon discharge of seaman.

(a) Upon the discharge of each seaman from a vessel engaged on a voyage listed in § 14.01-6(b), the master shall make and sign in the official logbook, and on the articles should such an entry be called for, a report of the conduct, character and qualifications of the person discharged; or may state as the report that he declines to give any opinion.

§ 14.10-10 Discharging a seaman in a foreign port.

(a) Upon the discharge of any seaman in a foreign port the master shall make the required entries on the ship's articles and Form CG-718A on Form CG-718E, as appropriate. All entries shall be attested to by a U.S. Consular Officer in ports where such an officer is available.

§ 14.10-15 Certificate of discharge issued pending issuance of duplicate continuous discharge book.

(a) When a seaman's continuous discharge book has been lost, pending the issuance of a duplicate, the master shall furnish the seaman with a Certificate of Discharge to Merchant Seaman (Form CG-718A) at the completion of a voyage, and this fact shall be noted on the articles. The white copy of the certificate of discharge shall be forwarded to the Commandant.

§ 14.10-20 Discharge of seamen in special cases.

(a) Section 16 of the Act of December 21, 1898 (30 Stat. 759), amended in part R.S. 4581 (46 U.S.C. 683), relating to the discharge of seamen by consuls, to read:

If a seaman is discharged on account of injury or illness, incapacitating him for service, the expenses of his maintenance and return to the United States shall be paid from the fund for the maintenance and transportation of destitute American seamen.

(b) Section 19 of the Seamen's Act of March 4, 1915 (38 Stat. 1185; 46 U.S.C. 683), adds to these words the following:

Provided: That at the discretion of the Commandant of the Coast Guard and under such regulations as he may prescribe, if any seaman incapacitated from service by injury or illness is on board a vessel so situated that a prompt discharge requiring the personal appearance of the master of the vessel before a United States consul or consular agent is impracticable, such seaman may be sent to a consul or consular agent, who shall care for him and defray the cost of his maintenance and transportation, as provided in this paragraph.

(c) The personal appearance of the master of the vessel before a United States consul or consular agent to consent to the discharge of a seaman who has been incapacitated by injury or illness may be waived by the consul under the following conditions:

(1) When the condition of the injured or ill seaman is such that prompt medical attention is necessary and cannot be furnished on shipboard,

(2) When the master cannot proceed with the seaman to the consul without risk to the crew, the vessel, or the cargo.

(d) When the master cannot appear before the consul in person the master shall address to the consul in writing a statement of the facts which render necessary the discharge of the seaman, together with a statement of the reasons why the master is unable to appear before the consul. The statement should cover the usual particulars set forth in a discharge and should be accompanied with an account of the wages due with the neces-

sary funds to meet such wages, or (if the cash is not available) with an order to the owner for the amount due.

(e) If the consul shall deem the statement satisfactory, the seaman may be discharged as directed in R.S. 4581, as amended by Section 16 of the Act of December 21, 1898, and Section 19 of the Act of March 4, 1915, as if the master were present, attaching to the discharge and to the consul's relief account a copy of the statement submitted by the master.

(f) If the consul shall deem the statement unsatisfactory, and the condition of the seaman permits, the consul may decline to grant the discharge and direct that the seaman be returned to the vessel at its expense.

(g) When the condition of the injured or ill seaman is such that the seaman is incapable of completing the release for discharge at the time of removal from the vessel, the master shall complete the master's portion of the Mutual Release (Form CG-713A) and place the form with the seaman.

(1) If the seaman possesses a continuous discharge book, the master shall make the proper entries in the book and on the ship's articles and complete Form CG-718E. Form CG-718E shall be retained by the master until the termination of the voyage, at which time it shall be delivered to the vessel's owner or agent along with the shipping articles. Upon completion and presentation of the Mutual Release (Form CG-713A) to the vessel's owner or agent, the seaman shall receive all wages due. Form CG-718E shall then be signed by the seaman and the original copy forwarded to the Commandant. At this time a notation of the completion of the release should be made on the shipping articles and Form CG-713A attached thereto.

(2) If the seaman possesses a merchant mariner's document, the master shall complete a certificate of discharge on Form CG-718A, and make the proper entries on the ship's articles. Form CG-718A shall be retained by the master until the termination of the voyage, at which time it shall be delivered to the vessel's owner or agent along with the shipping articles.

Upon completion and presentation of the Mutual Release (Form CG-713A) to the vessel's owner or agent, the seaman shall receive all wages due. Form CG-718A shall then be signed by the seaman and the original given to him. The white copy of Form CG-718A shall be forwarded to the Commandant. At this time a notation of the completion of the release should be made on the shipping articles and Form CG-713A attached thereto.

Subpart 14.15—Disclosure of Information Regarding Shipments and Discharges of Merchant Mariners

§ 14.15-1 Availability of information to the public.

The Coast Guard makes information available to the public in accordance with 49 CFR Part 7.

(14 U.S.C. 633, 5 U.S.C. 552, sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1656(b)(1); 49 CFR 1.46(b))

Subpart 14.20—Special Provisions for Oceanographic Research Vessels

Authority: 46 U.S.C. 446, 49 U.S.C. 1655(b), 49 CFR 1.46(b).

Source: CGD 77-081, 46 FR 56303, Nov. 16, 1981, unless otherwise noted.

§ 14.20-1 General.

Unless otherwise provided in this subpart, the provisions of Title 53 of the Revised Statutes governing the employment of merchant seamen, and any acts amending or supplementing it, remain applicable to oceanographic research vessels.

§ 14.20-5 Procedures.

(a) Oceanographic research vessels, designated in accordance with § 3.10-1 of this Title may be exempted from certain provisions of Title 53 of the Revised Statutes governing the employment of merchant seamen upon written request by the master, owner or agent of the vessel to the Officer in Charge, Marine Inspection, in whose zone the vessel is located.

(b) The request should contain:

(1) A list of the exemptions set forth in § 14.20-10(b) which the applicant wishes to invoke.

(2) An outline of business practices relating to the shipment, discharge, payment, and outfitting of personnel that would justify the granting of those exemptions.

(c) The Officer in Charge, Marine Inspection, shall forward the exemption request, along with a recommendation, to the Commandant, who will determine whether it shall be granted. Any exemptions granted shall be indicated by letter issued by the Officer in Charge, Marine Inspection. The letter shall be maintained on board the vessel.

(d) In the event of a change in operating conditions, the owner, master, or agent of the vessel shall advise the local Officer in Charge, Marine Inspection. The Officer in Charge, Marine Inspection, shall forward pertinent changes, along with a recommendation, to the Commandant, who shall determine if the vessel is still eligible to retain its exemptions.

§ 14.20-10 Exemptions.

(a) Certain requirements contained in Title 53 of the Revised Statutes are not relevant to the employment of seamen on oceanographic research vessels. These requirements are those concerned with the shipment and discharge of seamen, pay and allotment, and the furnishing of adequate clothing. Section 445 of Title 46, United States Code provides the authority for exempting oceanographic research vessels from certain provisions of Title 53, upon such terms and conditions as may be deemed necessary. The exemptions listed in this subpart are subject to the terms and conditions that are specified below:

(1) The use of any exemption does not in any manner relieve the owner, charterer or master of other statutory responsibilities for the protection of seamen.

(2) The master agrees to receive, consider, and accord appropriate action to the legitimate complaint of any seaman which is presented in a reasonable manner and at a reasonable time.

(3) If an exemption is contingent upon the use of alternate procedures,

which each seaman is to be on board to begin of wages each seaman is to receive. about conduct on board, and information on vance of provisions, and other punishment for ided by law. the provisions that are to be provided each tion in reference to advances and allotments of rs not contrary to law.

l be served at least 3 meals a day that total at ncluding adequate water and adequate protein, ds in accordance with the United States Recom- nces. ection (a) of this section shall be included in the by section 10302 of this title. A copy of the text n a conspicuous place in the galley and forecas- s not apply to a fishing or whaling vessel or a

reement reement required by section 10302 of this title as follows:

UNITED STATES OF AMERICA

first signature of agreement): on the master and seamen of the is at present master, or whoever now bound from the port of to (here the voyage is to be described, and which the vessel is to touch, or if that cannot be ture and probable length of the voyage is to be to conduct themselves in an orderly, faithful, manner, and to be at all times diligent in their d to be obedient to the lawful commands of the vidual who lawfully succeeds the master, and of rs in everything related to the vessel, and the the vessel, whether on board, in boats, or on ion of this service by the seamen to be per- agrees to pay the crew, as wages, the amounts e respectively expressed, and to supply them with to the annexed scale. any embezzlement, or willful or negligent de- t of the vessel's cargo or stores, shall be made out of the wages of the person guilty of the truction. lds himself or herself out as qualified for a duty d proves incompetent to perform, the individ- e reduced in proportion to the incompetency. at if a seaman considers himself or herself to be ach 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
Birthplace
Age
Height:
Feet
Inches
Description:
Complexion
Hair
Wages each month
Wages each voyage
Advance wages
Amount of monthly allotment

Time of service:
Months
Days
Hospital money
Whole wages
Wages due
Place and time of entry
Time at which seaman is to be on board
In what capacity
Shipping commissioner's signature or initials
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.

(3) has signed it freely and voluntarily when sober.

(Pub.L. 98-89, Aug. 26, 1983, 97 Stat. 563.)

§ 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.

(Pub.L. 98-89, Aug. 26, 1983, 97 Stat. 564.)

§ 10307. Posting agreements

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.

(Pub.L. 98-89, Aug. 26, 1983, 97 Stat. 564.)

§ 10308. Foreign engagements

(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.

(Pub.L. 98-89, Aug. 26, 1983, 97 Stat. 564.)

Code of Federal Regulations

Credentials, see 33 CFR 125.01 et seq.

§ 10309. Engaging seamen to replace those lost by desertion or casualty

(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 seaman who is discharged from a vessel before the end of the voyage. (Pub.L. 98-89, Aug. 26, 1983, 97 Stat. 563.)

§ 10310. Discharge

A master shall deliver a true account of the voyage to the shipping commissioner before paying off or discharging a seaman. If the account is liable to be audited, the master shall deliver it to the shipping commissioner.

(Pub.L. 98-89, Aug. 26, 1983, 97 Stat. 564.)

Deductions within section 10307. Entry of deductions in log.

1. Deductions within section 10307.

Former section 596 of this title, as amended, construed to apply to all deductions against seamen's wages, and set-offs for dereliction of duties as were provided in section 596 of this title. S.S. Co. v. Matise, Cal. 423 U.S. 150, 46 L.Ed.2d 148, 96 S.Ct. 1488, 424 U.S. 750, on remand 538 F.2d 1101.

2. Entry of deductions in log.

Since use of portion of wages of seaman who was justly discharged.

§ 10311. Certificate of discharge

(a) On discharging a seaman, the shipping commissioner shall issue a certificate in the following form:

- (1) the name of the seaman;
- (2) the citizenship of the seaman;
- (3) the number of the seaman's document;
- (4) the name of the vessel;
- (5) the nature of the service performed;
- (6) the port of engagement;
- (7) the date of engagement;
- (8) the date of discharge;
- (9) the name of the shipping commissioner.

(b) The certificate shall state the character or ability of the seaman, and the name of the master, the seaman, and the shipping commissioner.

(c) A certificate of continuous discharge shall be issued to a seaman who has served on a vessel for a period of 12 months.

146 U.S.C.A. 85 So. Part

The Commandant and who present letter or other documentary evidence that they are so enrolled may be issued a merchant mariner's document as apprentice engineer and may be placed on ships as such. The endorsement on apprentice engineer may be in addition to other endorsements. However, this endorsement of apprentice engineer does not authorize the holder in any of the regular ratings.

(1) Persons holding merchant mariner's documents with the endorsement apprentice engineer shall be deemed to be seamen under the provisions of section 53 of the Revised Statutes and regulations in this subchapter.

FR 66-69, 31 FR 15668, Dec. 13, 1966)

25-40 Apprentice mate.

person enrolled in an apprentice training program approved by the Commandant who presents a letter or other documentary evidence that he is so enrolled may be issued a merchant mariner's document as apprentice mate and may be signed on as apprentice mate. The endorsement "apprentice mate" may be in addition to other endorsements. However, this endorsement as apprentice mate does not authorize the holder to sign any of the regular ratings.

D 74-226, 40 FR 33976, Aug. 13, 1975)

PART 14—SHIPMENT AND DISCHARGE OF SEAMEN

Subpart 14.01—General

- 1 Purpose of part.
- 3 Coast Guard address.
- 5 Foreign or intercoastal voyages upon which shipping articles are required.
- 7 Voyages upon which shipping articles are not required.

Subpart 14.05—Shipping Articles

- 1 Form of shipping articles.
- 3 Posting copy of shipping articles.
- 5 Production of documents by seamen signing shipping articles.
- 7 Paying off seamen during foreign intercoastal voyage.
- 10 Reporting shipment and discharge of seamen.

Sec. 14.06-15 Completing entries in shipping articles at completion of voyage.

Subpart 14.10—Discharging Seamen

- 14.10-1 Entries in continuous discharge book.
- 14.10-5 Entries in certificates of discharge to merchant seamen.
- 14.10-7 Issuance of certificate of character upon discharge of seaman.
- 14.10-10 Discharging a seaman in a foreign port.
- 14.10-15 Certificate of discharge issued pending issuance of duplicate continuous discharge book.
- 14.10-20 Discharge of seamen in special cases.

Subpart 14.15—Disclosure of Information Regarding Shipment and Discharge of Merchant Mariners

14.15-1 Availability of information to the public.

Subpart 14.20—Speedel Provisions for Oceanographic Research Vessels

- 14.20-1 General.
 - 14.20-5 Procedures.
 - 14.20-10 Exemptions.
 - 14.20-15 Reports required.
- Authority:* Pub. L. 96-131, R.S. 4551, as amended, sec. 13, 38 Stat. 1169, as amended, sec. 7, 49 Stat. 1936, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 643, 672, 689, 49 U.S.C. 1655(b); 49 CFR 1.46(b), unless otherwise noted.
- Source:* 44 FR 70155, Dec. 6, 1979, unless otherwise noted.

Subpart 14.01—General

§ 14.01-1 Purpose of part.
This part prescribes rules for the shipment and discharge of seamen on certain United States vessels.

§ 14.01-3 Coast Guard address.
Each form or report required in this part to be submitted to the Commandant shall be forwarded to: Commandant (G-MVP-1/TP12), U.S. Coast Guard, Washington, D.C. 20593.

§ 14.01-5 Foreign or intercoastal voyages upon which shipping articles are required.
(a) Prior to proceeding on any foreign or intercoastal voyage listed in

this section, or the engagement of replacement or additional seamen for such a voyage, the master shall make an agreement (shipping articles) in writing with each seaman. The articles shall be signed by the master and each seaman so engaged.

(b) Except as provided in § 14.01-7, shipping articles are required for the following voyages and vessels:

- (1) A voyage by a United States vessel from a port in the United States to any foreign port other than ports in the following areas:
 - (i) British North American possessions.
 - (ii) West India Islands.
 - (iii) Republic of Mexico.
- (2) A voyage by a United States vessel of 75 gross tons or upward between a United States port on the Atlantic and a United States port on the Pacific, or vice versa.

NOTE: The provisions of R.S. 4520 (46 U.S.C. 574), require the master of any United States vessel of 50 gross tons or upward, bound from a port in one state to a port in any other than an adjoining state, to make an agreement (shipping articles) with every seaman engaged.

§ 14.01-7 Voyages upon which shipping articles are not required.

- (a) Shipping articles are not required but may be utilized for the following classes of vessels:
 - (1) Vessels engaged exclusively in fishing or whaling.
 - (2) Yachts.
 - (3) Vessels upon which the seamen are by custom or agreement entitled to participate in the profits or results of a cruise or voyage.

Subpart 14.05—Shipping Articles

§ 14.05-1 Form of shipping articles.

(a) The form and content of shipping articles for foreign or intercoastal voyages are generally controlled by R.S. 4511 (46 U.S.C. 564), R.S. 4512 (46 U.S.C. 565), and R.S. 4612 (46 U.S.C. 713, Tables A and B).

(b) The Coast Guard Officer in Charge, Marine Inspection will, as a matter of convenience, supply forms CG-705A (shipping articles) upon request. Form CG-705A is considered to comply with the requirements of the

statutes noted in paragraph (a) of this section. Any other form of shipping articles complying with the requirements of the statutes noted in paragraph (a) may be utilized.

NOTE: Detailed instructions for the completion of form CG-705A are contained in Navigation and Vessel Inspection Circular #8-79, which may be obtained at any Coast Guard Marine Inspection or Safety Office.

§ 14.05-2 Posting copy of shipping articles.

(a) At the commencement of a foreign or intercoastal voyage the master shall ensure a legible copy of the shipping articles, omitting signatures (Forecast Card), is posted at a place accessible to the crew. Form CG-704 or equivalent may be utilized for this purpose.

§ 14.05-3 Preparation of shipping articles.

(a) Shipping articles for foreign or intercoastal voyages shall be made out in duplicate. The original shall be retained by the master, who shall enter therein any changes made in the crew during the voyage.

§ 14.05-5 Production of documents by seamen signing shipping articles.

(a) At the time of engagement, each seaman shall present to the master any certificate or license as may be required by law for the service to be performed.

§ 14.05-7 Paying off seamen during foreign or intercoastal voyage.

(a) In case of the paying off of any members of the crew during a foreign or intercoastal voyage, each seaman shall sign the release on the original of the shipping articles. In a foreign port, where a United States consul is available, the release shall be executed by the master and seaman before the consul or his representative. In a foreign port where a United States consul is not available, the release need be executed only by the master and seaman.

§ 14.05-10 Reporting shipment and discharge of seamen.

(a) The master of each merchant vessel of one hundred gross tons or

ward, shall report the employment, discharge or termination of the service of every seaman in the manner provided in this section. Reports need not be submitted by masters of the following vessels:

- (a) Vessels employed exclusively in trade on the navigable rivers of the United States.
- (b) Fishing and whaling vessels.
- (c) Yachts.
- (d) Ferries and tugs used in ferry operations if such ferries and tugs are employed exclusively in trade on the lakes, bays, sounds, bayous, and harbors, and are not engaged on international voyages.
- (e) Unrigged vessels other than sailing barges.

(f) When a vessel is engaged on a foreign or intercoastal voyage, the master shall submit a Form CG-735-T to the Commandant prior to sailing upon completion of the voyage. At the option of the master, a copy of the vessel's shipping articles may be submitted to the Commandant in lieu of Form CG-735-T. When utilized, Form CG-735-T shall contain the names, as well as the other information required by the form, of the master and each member of the crew shipped or discharged. During the term of the voyage the master shall submit supplementary reports on Form CG-735-T listing the names, as well as the other information required by the form, of seamen engaged, discharged, or whose services have been otherwise terminated.

(g) When a vessel is engaged on a foreign voyage not specifically covered by paragraph (d) or (e) of this section, the master shall, prior to sailing, submit to the Commandant a Form CG-735-T listing the names, as well as other information required by the form, with the exception of the date and place of discharge, of the vessel and of each member of the crew shipped. Thereafter, at the end of each calendar month, the master shall submit a supplementary report on Form CG-735-T listing the name, as well as the other information required by the form, of each seaman engaged, discharged, or whose services have been otherwise terminated since the

§ 14.05-15 Completing entries in shipping articles at completion of voyage.

(a) At the completion of a foreign or intercoastal voyage, when the crew is paid off, the release on the shipping articles shall be signed by all members of the crew.

(b) All entries made in continuous discharge books during the voyage, and all entries made in certificates of discharge issued during the voyage to seamen holding merchant mariner's documents shall be duplicated on the shipping articles.

Subpart 14.10-10—Discharging Seamen

§ 14.10-1 Entries in continuous discharge book.

(a) Upon the discharge of any seaman who holds a Continuous Discharge Book (Form CG-719), and the payment of wages, the master shall complete the required entries in the book.

(b) The master making the entries in the Continuous Discharge Book shall also prepare a Record of Entry in Continuous Discharge Book (Form CG-718E).

(c) The completed Form CG-718E shall be signed by the seaman in whose Continuous Discharge Book the original entry was made and by the master.

(d) All entries in a Continuous Discharge Book (Form CG-719) shall be made in black ink. All entries on Form CG-718E shall be made with a typewriter or an indelible pencil.

(e) The original copy of completed Form CG-718E shall be submitted to the Commandant. The duplicate copy of completed Form CG-718E may be retained by the master issuing such record of entry.

§ 14.10-5 Entries in certificate of discharge to merchant seaman.

(a) Upon the discharge of any seaman who holds a merchant mariner's document issued by the Coast Guard, and payment of wages, the master shall issue to the seaman a Certificate of Discharge to Merchant Seaman (Form CG-718A).

(b) The completed Form CG-718A shall be signed by the seaman to who

it is issued and by the master of the vessel. The signatures shall be made with an indelible pencil before the issuance of the original copy to the seaman.

(c) All entries on Certificates of Discharge to Merchant Seaman (Form CG-718A) shall be made with a typewriter or an indelible pencil.

(d) The original completed Form CG-718A shall be issued to the seaman who signs the certificate. The yellow copy of the completed Form CG-718A may be retained by the master issuing such discharge. The white copy of completed Form CG-718A shall be submitted to the Commandant.

§ 14.10-7 Issuance of certificate of character upon discharge of seaman.

(a) Upon the discharge of each seaman from a vessel engaged on a voyage listed in § 14.01-5(b), the master shall make and sign in the official logbook, and on the articles should such an entry be called for, a report of the conduct, character and qualifications of the person discharged, or may state as the report that he declines to give any opinion.

§ 14.10-10 Discharging a seaman in a foreign port.

(a) Upon the discharge of any seaman in a foreign port the master shall make the required entries on the ship's articles and Form CG-718A or Form CG-718E, as appropriate. All entries shall be attested to by a U.S. Consular Officer in ports where such an officer is available.

§ 14.10-15 Certificate of discharge issued pending issuance of duplicate continuous discharge book.

(a) When a seaman's continuous discharge book has been lost, pending the issuance of a duplicate, the master shall furnish the seaman with a Certificate of Discharge to Merchant Seaman (Form CG-718A) at the completion of a voyage, and this fact shall be noted on the articles. The white copy of the certificate of discharge shall be forwarded to the Commandant.

1.10-20 Discharge of seamen in special cases.

(c) Section 16 of the Act of December 21, 1898 (30 Stat. 759), amended in R.S. 4581 (46 U.S.C. 683), relating to the discharge of seamen by consuls, read:

A seaman is discharged on account of injury or illness, incapacitating him for the voyage, the expenses of his maintenance and return to the United States shall be paid from the fund for the maintenance and transportation of destitute American seamen.

(d) Section 19 of the Seamen's Act of March 4, 1915 (38 Stat. 1185; 46 U.S.C. 685), adds to these words the following:

Provided, That at the discretion of the commanding officer of the Coast Guard and under regulations as he may prescribe, if any seaman is incapacitated from service by injury or illness on board a vessel so situated as to require a prompt discharge requiring the personal appearance of the master of the vessel to the United States consul or consular agent, it is impracticable, such seaman may be taken to a consul or consular agent, who shall be provided for him and defray the cost of his maintenance and transportation, as provided in this paragraph.

The personal appearance of the master of the vessel before a United States consul or consular agent to consent to the discharge of a seaman who has been incapacitated by injury or illness may be waived by the consul under the following conditions:

When the condition of the injured or ill seaman is such that prompt medical attention is necessary and cannot be furnished on shipboard,

When the master cannot proceed to the consul without the crew, the vessel, or the

When the master cannot appear before the consul in person the master shall address to the consul in writing a statement of the facts which justify the discharge of the seaman, together with a statement of reasons why the master is unable to appear before the consul. The statement should cover the usual particulars set forth in a discharge and shall be accompanied with an account of the wages due with the necessary

sary funds to meet such wages, or (if the cash is not available) with an order to the owner for the amount due.

(e) If the consul shall deem the statement satisfactory, the seaman may be discharged as directed in R.S. 4581, as amended by Section 16 of the Act of December 21, 1898, and Section 19 of the Act of March 4, 1915, as if the master were present, attaching to the discharge and to the consul's report a copy of the statement submitted by the master.

(f) If the consul shall deem the statement unsatisfactory, and the condition of the seaman permits, the consul may decline to grant the discharge and direct that the seaman be returned to the vessel at its expense.

(g) When the condition of the injured or ill seaman is such that the master is incapable of completing the release for discharge at the time of removal from the vessel, the master shall complete the master's portion of the Mutual Release (Form CG-713A) and place the form with the seaman.

(1) If the seaman possesses a continuous discharge book, the master shall make the proper entries in the book and on the ship's articles and complete Form CG-718E. Form CG-718E shall be retained by the master until the termination of the voyage, at which time it shall be delivered to the vessel's owner or agent along with the shipping articles. Upon completion and presentation of the Mutual Release (Form CG-713A) to the vessel's owner or agent, the seaman shall receive all wages due. Form CG-718E shall then be signed by the seaman and the original copy forwarded to the Commandant. At this time a notation of the completion of the release should be made on the shipping articles and Form CG-713A attached thereto.

(2) If the seaman possesses a merchant mariner's document, the master shall complete a certificate of discharge on Form CG-718A, and make the proper entries on the ship's articles. Form CG-718A shall be retained by the master until the termination of the voyage, at which time it shall be delivered to the vessel's owner or agent along with the shipping articles.

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Upon completion and presentation of the Mutual Release (Form CG-713A) to the vessel's owner or agent, the seaman shall receive all wages due. Form CG-718A shall then be signed by the seaman and the original given to the Commandant. At this time a notation of the completion of the release should be made on the shipping articles and Form CG-713A attached thereto.

(c) The Officer in Charge, Marine Inspection, shall forward the exemption request, along with a recommendation, to the Commandant, who will determine whether it shall be granted. Any exemptions granted shall be indicated by letter issued by the Officer in Charge, Marine Inspection. The letter shall be maintained on board the vessel.

Subpart 14.15—Disclosure of Information Regarding Shipments and Discharges of Merchant Mariners

§ 14.15-1 Availability of information to the public.

The Coast Guard makes information available to the public in accordance with 49 CFR Part 7.

(14 U.S.C. 633, 5 U.S.C. 552, sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1656(b)(1); 49 CFR 1.46(b))

Subpart 14.20—Special Provisions for Oceanographic Research Vessels

Authority: 46 U.S.C. 446, 49 U.S.C. 1655(b), 49 CFR 1.46(b).

Source: CGD 77-081, 46 FR 56303, Nov. 16, 1981, unless otherwise noted.

§ 14.20-1 General.

Unless otherwise provided in this subpart, the provisions of Title 53 of the Revised Statutes governing the employment of merchant seamen, and any acts amending or supplementing it, remain applicable to oceanographic research vessels.

§ 14.20-5 Procedures.

(a) Oceanographic research vessels, designated in accordance with § 3.10-1 of this Title may be exempted from certain provisions of Title 53 of the Revised Statutes governing the employment of merchant seamen upon written request by the master, owner or agent of the vessel to the Officer in Charge, Marine Inspection, in whose zone the vessel is located.

(b) The request should contain:
(1) A list of the exemptions set forth in § 14.20-10(b) which the applicant wishes to invoke.

(2) An outline of business practices relating to the shipment, discharge, payment, and outfitting of personnel that would justify the granting of those exemptions.

(c) The Officer in Charge, Marine Inspection, shall forward the exemption request, along with a recommendation, to the Commandant, who will determine whether it shall be granted. Any exemptions granted shall be indicated by letter issued by the Officer in Charge, Marine Inspection. The letter shall be maintained on board the vessel.

(d) In the event of a change in operating conditions, the owner, master, or agent of the vessel shall advise the local Officer in Charge, Marine Inspection. The Officer in Charge, Marine Inspection, shall forward pertinent information concerning the operational changes, along with a recommendation, to the Commandant, who shall determine if the vessel is still eligible to retain its exemptions.

§ 14.20-10 Exemptions.

(a) Certain requirements contained in Title 53 of the Revised Statutes are not relevant to the employment of seamen on oceanographic research vessels. These requirements are those concerned with the shipment and discharge of seamen, pay and allotment, and the furnishing of adequate clothing. Section 445 of Title 46, United States Code provides the authority for exempting oceanographic research vessels from certain provisions of Title 53, upon such terms and conditions as may be deemed necessary. The exemptions listed in this subpart are subject to the terms and conditions that are specified below:

(1) The use of any exemption does not in any manner relieve the owner, charterer or master of other statutory responsibilities for the protection of seamen.

(2) The master agrees to receive, consider, and accord appropriate action to the legitimate complaint of any seaman which is presented in a reasonable manner and at a reasonable time.

(3) If an exemption is contingent upon the use of alternate procedures,