

and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

CHAPTER 113—OFFICIAL LOGBOOKS

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| Sec. | |
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| 11303. | Penalties. |

§ 11301. Logbook and entry requirements

(a) Except a vessel on a voyage from a port in the United States to a port in Canada, a vessel of the United States shall have an official logbook if the vessel is—

- (1) on a voyage from a port in the United States to a foreign port; or
- (2) of at least 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title and is on a voyage between a port of the United States on the Atlantic Ocean and on the Pacific Ocean.

(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.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 581; Pub. L. 98–557, §30, Oct. 30, 1984, 98 Stat. 2875; Pub. L. 104–324, title VII, §742, Oct. 19, 1996, 110 Stat. 3942.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i> |
|------------------------|-----------------------------------|
| 11301 | 46:201 |

Section 11301 requires United States vessels on certain types of voyages to have an official logbook and lists the types of entries that must be made in the logbook.

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104–324 inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “100 gross tons”.

1984—Subsec. (a). Pub. L. 98–557 amended subsec. (a) generally, which prior to amendment read as follows: “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.”

§ 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.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 581.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i> |
|------------------------|-----------------------------------|
| 11302 | 46:202 |

Section 11302 describes the manner in which entries shall be made in the logbook, specifying when they shall be made, who shall sign them, and requiring that they shall be dated.

§ 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.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 582.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i> |
|------------------------|-----------------------------------|
| 11303 | 46:203 |

Section 11303 provides a penalty for violation of the provisions about logbooks in this part.

CHAPTER 115—OFFENSES AND PENALTIES

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|--------|---|
| Sec. | |
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| 11503. | Duties of consular officers related to insubordination. |
| 11504. | Enforcement of forfeitures. |
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| 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.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 582.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i> |
|------------------------|-----------------------------------|
| 11501 | 46:701 |

Section 11501 provides penalties for specific offenses committed by seamen.

§ 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.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 583.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i> |
|------------------------|-----------------------------------|
| 11502 | 46:702 |

Section 11502 describes the manner in which offenses must be recorded in the official logbook, and the use of the records by the court.

§ 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.